

ORDINANCE 2007- 32

ORDINANCE RE-ENACTING ORDINANCE 2004-04; AND AMENDING SECTION 7, "CONNECTION TO CITY WATER SYSTEM REQUIRED; SECTION 8., "CONNECTION TO CITY WASTEWATER SYSTEM REQUIRED"; SECTION 23 (b), "ACTIONS WHEN PUBLIC SEWER BECOMES AVAILABLE"; SECTION 66, INTERCEPTORS - RESIDENTIAL; SECTION 110 (c), CONNECTION CHARGES AND SERVICE DEPOSITS; SECTION 111, "DUE DATE"; SECTION 112 (c), "DELINQUENT BILLS"; AND SECTION 113, "REVIEW AND AMENDMENT OF DIVISION 6. RATES AND CHARGES GENERALLY"; AND SECTION 124, "FEES", OF ORDINANCE 2004-04, OF THE CODE OF ORDINANCES OF THE CITY OF HIGH SPRINGS, FLORIDA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Whereas, the City Commission adopted Ordinance 2000-21, governing connections to the water and wastewater systems of the City of High Springs, on October 12, 2000; and

Whereas, the City Commission adopted Ordinance 2004-04 on March 11, 2004, amending and re-adopting Ordinance 2000-21, governing connections to the water and wastewater systems of the City of High Springs, in connection with the authorization and construction of Phase One of the High Springs Wastewater System; and

Whereas, the City filed its Complaint in the Circuit Court of Florida, Eighth Judicial Circuit, In and For Alachua County (Case No. 2007-CA 000503), on February 5, 2007, seeking validation and authority to issue Water and Sewer Revenue Bonds for Phases Two and Three of the High Springs Wastewater System; and

Whereas, it is necessary to amend Ordinance 2004-04 to comply with the notice and connection requirements of Chapter 381.00655 (1) (a), Florida Statutes; and

Whereas, the Court entered an Order on June 19, 2007, granting the City of High Springs sixty (60) days Leave to Amend its above-referenced Complaint; and

Whereas, the City Commission has determined it necessary and desirable to adopt such amendments to facilitate the completion of Phases Two and Three of the High Springs Wastewater System;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HIGH SPRINGS, FLORIDA, THAT ORDINANCE 2004-04 IS HEREBY RE-ENACTED TO READ AS FOLLOWS:

DIVISION 1. GENERALLY

Section 1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Approval authority shall mean the director in a National Pollution Discharge Elimination System (NPDES) state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

Authorized representative of industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public gravity sewer, grinder pump station or other place of disposal.

Categorical standards shall mean national categorical pretreatment standards or pretreatment standard.

Codes Enforcement Board shall mean the City of High Springs Codes Enforcement Board created pursuant to Chapter 162.03, Florida Statutes.

City shall mean the City of High Springs or the City Commission of High Springs.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Cooling water shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Control authority shall refer to the "approval authority", defined hereinabove; or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR, 403.11.

County shall mean Alachua County.

Direct discharge shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Florida.

Discharge line shall mean the small diameter (typically 1-¼ inch diameter) pressure sewer line connecting the grinder pump station to the pressure sewer main.



*Environmental Protection Agency, or EPA* shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

*Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

*Grab sample* shall mean a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*Gravity sewer* shall mean a sewer that transports sewage under the force of gravity and is not pressurized.

*Grinder pump collection systems* shall mean a system consisting of small tanks, grinder pumps, and small diameter pressure mains. Wastewater from the residence or business flows to the grinder pump tank via building sewers. The wastewater is then pumped through a discharge pipe to the pressure sewer main. Small grinder pump stations are located at each service connection or group of connections with a corresponding above-grade electrical panel to house disconnects and alarms. In concept, a grinder pump collection system can be thought of as having many small lift stations, each located at service connections.

*Grinder pump station* shall mean the entire station package and generally includes a wetwell holding tank, grinder pump and motor, level controls, internal discharge piping and valves, watertight lid, and remote alarm/disconnect panel.

*Holding tank waste* shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Indirect discharge* shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).

*Industrial user* shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

*Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

*Interference* shall mean the inhibition or disruption of the Publicly Owned Treatment Works (POTW) treatment processes or operations that contributes to a violation of any requirement of the city's NPDES or state operation permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

*National categorical pretreatment standard or pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

*National prohibitive discharge standard or prohibitive discharge standard* shall mean any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

*Natural Outlet* shall mean any point of discharge into the natural environment.

*New source* shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

*National pollution discharge elimination system or NPDES permit* shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

*Person* shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*pH* shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

*Pollution* shall mean the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pollutant* shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

*Pressure sewer main* shall mean a pressurized small diameter public sewer line.

*Pretreatment or treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

*Pretreatment requirements* shall mean any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.



*Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

*Publicly owned treatment works (POTW)* shall mean a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city service area, who are, by contract or agreement with the city, users of the city's POTW.

*Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*Sanitary sewer* shall mean a sewer that carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

*Service Unit* shall mean a single-family dwelling, apartment, mobile home, condominium unit, townhouse unit, motel unit, or hotel unit, or any other type of unit to which service is made available by the utility and which is offered for human occupancy, whether or not such unit is occupied. For purposes of commercial billing, *Service Unit* means any warehouse, office, room or other unit separately occupied or offered for commercial occupancy.

*Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

*Sewage treatment plant* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer* shall mean a pipe or conduit for carrying sewage, either under the force of gravity or under pressure.

*Significant industrial user* shall mean any industrial user of the city's wastewater disposal system who:

- (1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or
- (2) Has a flow greater than five (5) percent of the flow in the city's wastewater treatment system; or
- (3) Has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or State of Florida Statutes and rules; or
- (4) Is found by the city, Florida Department of Environmental Regulation or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing

industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

*Slug* shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

*State* shall mean the State of Florida.

*Standard industrial classification (SIC)* shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Storm drain (sometimes termed "storm sewer")* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Stormwater* shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Suspended solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

*Superintendent* shall mean the person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

*Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

*User* shall mean any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

*Utility* shall mean the sewer utility of the city.

*Wastewater* shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

*Waters of the state* shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

*Wastewater contribution permit* shall be as set forth in Section 125 of this article.



## Section 2. Abbreviations.

The meaning of the abbreviations used in this article shall be as follows:

- (1) BOD - Biochemical oxygen demand.
- (2) CAIC - contribution in aid of construction
- (3) COD - Chemical oxygen demand.
- (4) EPA - Environmental protection agency.
- (5) l - Liter.
- (6) mg - Milligram.
- (7) mg/l- Milligram per liter.
- (8) NPDES - National pollutant discharge elimination system.
- (9) POTW - Publicly owned treatment works.
- (10) SIC - Standard industrial classification.
- (11) TSS - Total suspended solids.

## Section 3. Unsanitary deposits prohibited.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city any human or animal excrement, garbage, or other objectionable waste.

## Section 4. Discharges into natural outlets.

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.

## Section 5. Privy vaults, septic tanks, etc., generally.

Except as otherwise provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the city's wastewater service area.

## Section 6. Private water wells.

Where private water wells are used, disposal into the city's wastewater system shall be done only by special agreement with the city.

## Section 7. Connection to city's water system required.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city's wastewater service area that are required to connect to the city's public wastewater system in accordance with the provisions of Florida Statutes 180.02 and this Ordinance shall also be required at the owner's expense to connect to the city's water system within three hundred sixty-five (365) days after date of official notice to do so, provided that said water system main is within two hundred (200) feet (61 meters) of the property line, on or before the connection date specified in the official notice. This article shall not be construed to require or entitle any person to cross the private property of another to make such a water connection.

Section 8. Connections to city wastewater system required.

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city's wastewater service area and abutting on any street, alley, right-of-way or easement in which there are now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such properly functioning onsite sewage treatment and disposal facilities directly with the proper public sewer in accordance with the provisions of this article ~~—within three hundred and sixty five (365) days after date of official notice to do so,~~ provided that said public sewer is within two hundred (200) feet (61 meters) of the property line, on or before the date specified in the following described official notice. The city shall notify the affected owner of the onsite sewerage treatment and disposal system of the anticipated availability of the publicly owned sewerage system in accordance with Florida Statutes Chapter 381.00655 no less than one (1) year prior to the date the sewerage system will become available and shall also notify the owner that the owner will be required to connect to the sewerage system within one (1) year of the actual availability. The owner shall have the option of prepaying the amortized value of the required connection charges in equal monthly installments over a two year period not to exceed two (2) years from the date of the initial notification of anticipated availability. This article shall not be construed to require or entitle any person to cross the private property of another to make such a sewer connection.

Section 9. Special provisions for major contributing industries.

Any major contributing industry within the city, as defined by 40 CFR 128.124, shall comply with 40 CFR 128 and any other regulation as shall from time to time be established by the environmental protection agency or other appropriate regulating governmental agency.

Section 10. Damaging sewer system.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

Section 11. Inspections - discontinuance of service.

- (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against



liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this article.

- (c) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (d) As a condition of receiving or continuing to receive wastewater utilities services from the city, the superintendent or other duly authorized employee of the city shall be permitted at reasonable times to make necessary inspections of sewer facilities on private premises where such inspections are reasonably necessary to ensure the compliance with the ordinances of the City relating to such services. If, after written notice delivered to the premises or mailed to the premises and to the owner, if not owner occupied, stating a reasonable time in which such inspection is needed to be made, the reason therefore, and the effect of failure to allow the inspection, the superintendent or other duly authorized employee of the city are then denied access to the premises for such inspection, the city may then discontinue all utilities services to such premises until such inspection is permitted. No such inspection is to be made without two of the city's employees being present on the premises.

#### Section 12. Measurements and tests.

- (a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. In the event that the building sewer is connected to a grinder pump station, the samples shall be taken at said grinder pump station.
- (b) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Section 13. Violations.

- (a) Any person found to be violating any provision of this article except section 8 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) shall be guilty of a misdemeanor.
- (c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

Section 14. Failure to connect to systems.

If any such owner of any parcel of land required to connect to the city's public water system and/or wastewater system in accordance with this Ordinance refuses to connect with and use the facilities of the city's public water system and/or wastewater system after notification by the superintendent, as provided herein, then the city shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The city shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the city shall have a lien on such lot or parcel of land for such cost, which lien shall be equal dignity with the lien of state and county taxes. The city may foreclose such lien in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

Section 15. Water and sewer availability.

A water main or public sanitary sewer is considered available to a property when it is located anywhere in a public right-of-way or easement adjoining the property. A water main or public sanitary sewer will not be considered available in a state road right-of-way unless it is available on the same side of the paved roadway as the property to be served.

Sections 16-19. Reserved.

DIVISION 2. PRIVATE SEWAGE DISPOSAL

Section 20. Generally.

If any building or structure is to be constructed upon property, the nearest property line of which is more than 200 feet from an available public wastewater line, no building permit therefore shall be issued unless an official representative of the county health department shall have first issued a permit to construct a private wastewater disposal system for the building or structure. Before any such permit, the health department representative shall investigate the soil conditions, drainage, size of lot and any other factors, bearing thereon in the interest of public health and shall afterward inspect the construction of the private wastewater disposal system to determine that the



same has been built in compliance with the provisions of Chapter 64E-6, F.A.C., entitled, "Standards for Onsite Sewage Treatment And Disposal Facilities," which is by this reference made a part of this section, a copy of which shall be retained in the office of the clerk of the commission as required by law.

Section 21. Large residential or commercial developments

If any residential or commercial buildings or structures are to be constructed upon property or properties within the High Springs Water and Wastewater Service Area, the nearest property line of which is more than 200 feet from an available public wastewater line, that require the construction of a multi-user collection, treatment and disposal system other than individual on-site wastewater treatment and disposal as defined in Chapter 64E-6, F.A.C., entitled "Standards for Onsite Sewage Treatment and Disposal Facilities," no building permits therefore shall be issued unless an official representative of the Florida Department of Environmental Protection or other appropriate jurisdictional agency shall have first issued a permit to construct a private multi-user wastewater collection, treatment and disposal system for the buildings or structures. Such private wastewater collection, treatment and disposal systems may include, but are not limited to, traditional collections systems, alternative collection systems, package wastewater treatment plants, and rapid infiltration basins.

Section 22. Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

Section 23: Actions when public sewer becomes available.

(a) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 8 of this Ordinance, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(b) When a public sewer becomes available, the building sewer shall be connected to said public sewer ~~within six (6) months~~ as provided in Section 8. of this Ordinance and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt in compliance with the provisions of Chapter 64E-6, F.A.C., entitled, "Standards for Onsite Sewage Treatment And Disposal Facilities."

(c) When a public sewer becomes available to a residential or commercial development served by a private multi-user wastewater collection, treatment and disposal system, as provided in Section 8 of this Ordinance, a direct connection of all buildings and structures shall be made to the public sewer in compliance with this article, and any private wastewater treatment and disposal facilities shall be abandoned in accordance with the laws of the Florida Department of Environmental Protection and other appropriate jurisdictional agencies at no expense to the City.

Section 24. Additional requirements authorized.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the city.

Sections 25-29. Reserved.

### DIVISION 3. BUILDING SEWERS AND CONNECTIONS

Section 30. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

Section 31. Classes of permit, application and fees.

There shall be two (2) classes of building sewer permits:

- (a) For residential and commercial service, and
- (b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee as set by the city commission shall be paid to the city at the time the application is filed.

Section 32. Costs and liability for loss or damage.

In the event that the available public sewer is a gravity sewer, all costs and expenses incident to the installation and connection of the building sewer to the public sewer shall be borne by the owner. In the event that the public sewer is a grinder pump collection system, all costs and expenses incident to the installation and connection of the building sewer, grinder pump station, and discharge line to the public sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, grinder pump station and discharge line.

Section 33. Separate building sewer required.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 34. Grinder pump stations.

Grinder pump stations may be utilized anywhere in the system that the city determines that construction of a gravity line is not physically feasible. The applicant for a grinder pump station shall provide the city with a sufficient easement to allow the installation, operation and maintenance of all required equipment. The selection and installation of all grinder pump stations shall be in accordance with requirements and specifications contained in the "High



Springs Water and Wastewater Systems Standards Manual" and shall become the property of the city upon installation and acceptance.

Section 35. Use of old building sewers.

Old building sewers may be used in connection with new building only when they are found, on examination and test by the superintendent to meet all requirements of this article.

Section 36. Size, slope, alignment, etc.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

Section 37. Elevation and lifts.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall, at the property owner's cost, be lifted by an approved means and discharged to the building sewer.

Section 38. Connections of roof downspouts, etc., prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 39. Connection of building sewer to public sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

Section 40. Inspections and supervision of connections.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

Section 41. Excavations.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Sections 42-60. Reserved.

DIVISION 4. HARMFUL OR PROHIBITED DISCHARGES

Section 61. Storm water, surface water, etc.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, reclaimed groundwater, roof runoff, subsurface drainage, swimming pool water, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, or natural outlet.

Section 62. Items specifically prohibited.

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

- (a) Any discharge containing pollutants which create a fire or explosion hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade. 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.
- (b) 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 POTW, or to 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.
- (c) Any waters or wastes having a pH lower than 6.0, or greater than 8.5 standard units, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances which may cause obstruction to the flow in a sewer 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, shells, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding, polishing wastes, paper dishes, cups, milk containers, panty hose, sanitary napkins, diapers, condoms, etc. either whole or ground by garbage disposals.
- (e) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in



no case wastewater with a temperature at the introduction into the POTW which exceeds forty (40) degrees Centigrade (one hundred four (104) degrees Fahrenheit).

(f) Materials which exert or cause:

- (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (2) Chlorine demand requirement in such quantity as to constitute a significant load on the POTW. An unusual chlorine demand is considered one that requires the increase of more than twenty-five (25) percent over that used prior to entry of the waste into the POTW.

(g) Any substance which will cause the POTW to violate its NPDES and/or State of Florida operation permit or the receiving water quality standards or the requirements of any other agencies having jurisdiction over operations of the POTW.

(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 petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.

#### Section 63. Items conditionally prohibited.

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

- (a) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred four (104) degrees Fahrenheit (zero (0) and forty (40) degrees Celsius).
- (b) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
- (c) Any waters or wastes containing strong acid, caustics, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

- (d) Wastes exerting an excessive oxidant requirement to such degree that any such material received in the composite sewage at the POTW exceeds the limits established by the superintendent for such materials.
- (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 sewers for maintenance and repair.
- (f) Any substance that may cause the POTW's effluent or any other product of the POTW 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 POTW cause the POTW 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, the Clean Air Act, the Toxic Substances Control Act, or the State of Florida Administrative Code applicable to the sludge management method being used.
- (g) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities, or flow during normal operation.
- (h) No user shall discharge trucked or hauled wastes to the wastewater system except by special agreement with the city and at points designated by the city.
- (i) Septic tank and portable toilet waste shall be introduced into the city's wastewater system only when specifically authorized and only at the time, place and manner prescribed by the superintendent.
- (j) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

Should the superintendent determine that a user is contributing to the POTW any of the previously enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent shall advise in writing the user of the impact of the contribution to the POTW and develop effluent limitations for the user to correct the interference with the POTW.

Section 64. Actions superintendent may take with reference to conditionally prohibited items.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 63 of this Ordinance, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:



- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and notes of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 68 of this Ordinance.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws. The superintendent shall notify the commission in writing of conditions for which actions herein are applicable.

#### Section 65. Interceptors - Commercial.

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. All restaurants, establishments with commercial kitchens, grocery stores, and food processing facilities shall have grease interceptors. All car washes, automotive repair shops and automotive service shops that discharge wash water into the POTW shall have oil and sand interceptors. Interceptors shall be pumped by certified haulers at intervals to ensure greater than or equal to fifty (50) percent retention capacity at all times. Interceptors shall be inspected monthly by the owner, who shall keep inspection logs and pumping receipts on premises for inspection by the superintendent. Records and receipts shall be retained on premises kept for a minimum of three years. The owner shall submit pumping receipts to the city quarterly. The superintendent may charge the owner a monthly surcharge for costs incurred by the city to treat excess grease or a fee to repair a grease-damaged pump station.

#### Section 66. Interceptors - Residential.

Grease, oil and sand interceptors shall not generally be required for private living quarters or dwelling units. However, if in the judgment of the superintendent, a residential unit repeatedly exceeds the grease requirements of section 63 of this Ordinance, and/or the residential unit's grinder pump station must be frequently repaired due to grease build-up, the superintendent may require the owner of the residential unit to install a grease interceptor. In such event, the owner must follow the procedures for installing and maintaining a grease interceptor as outlined in section 65 of this Ordinance. The superintendent may charge the owner a monthly surcharge for costs incurred by the city to treat the excess grease or a fee to repair a grease-damaged grinder pump station.

#### Section 67. Maintenance and operation of pretreatment facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 68. Control manhole.

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 69. Special agreements.

No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

Section 70. 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 article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

Section 71. 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 ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403)-"General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approved authority is obtained.

Section 72. Specific pollutant limitations.

No person shall discharge wastewater containing in excess of:

- (a) 0.1 mg/l arsenic
- (b) 10 mg/l cadmium
- (c) 10 mg/l copper
- (d) 0.1 mg/l cyanide
- (e) 0.1 mg/l lead
- (f) 0.1 mg/l mercury
- (g) 1.0 mg/l nickel



- (h) 5.0 mg/l silver
- (i) 0.25 mg/l total chromium
- (j) 0.08 mg/l zinc

Section 73. 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 article.

Section 74. City's right of revision.

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 article.

Section 75. 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 the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state.

Section 76. Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's 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 users shall complete such a plan within ninety (90) days after date of official notice to connect to the city's wastewater system. No user who commences contribution to the POTW before completing said plan shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the superintendent. 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 article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (a) Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge 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 POTW, 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 article or other applicable law.
- (b) 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 insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sections 77-87. Reserved.

#### DIVISION 5. POINT OF CONNECTION

##### Section 88. General.

The point of connection of the wastewater facilities shall be where the city deems its system adequate to provide service.

##### Section 89. Existing service lines.

Where existing sanitary sewer lines are in place through previous construction, and are judged to be in compliance with existing codes and standards by the city, these lines may be used by the applicant for the new sewer service.

##### Section 90. Pressure sewer extensions.

Where pressure sewers are constructed by the city to extend wastewater service to a lot or development, the applicant for such wastewater service shall pay to the city a contribution in aid of construction (CIAC) prior to the commencement of construction of the pressure sewer. The pressure sewer CIAC shall be calculated as the cost as estimated by the city of constructing a pressure sewer sized and routed at the shortest practicable length to the closest point in the existing wastewater system capable of providing service to the applicant's development only. Sizing and routing of the pressure sewer will be determined by the city.

##### Section 91. Requirement for additional CIAC.

In any instance where the city determines that the city's share of cost to construct new facilities (including oversizing costs) prompted by an application for wastewater service is greater than the city is willing and/or able to afford, the applicant may be allowed to pay an additional contribution in aid of construction (CIAC), which may be required by the city in order to reduce the city's share of cost to an amount acceptable to the city. The city shall determine the amount of CIAC that is necessary under this section. Connection charges shall not be credited towards any required CIAC.

##### Section 92. Pump station (primary).

Where a pumping station is constructed to receive the cumulative wastewater flow from a development, the developer shall pay all costs associated with pump station design and construction required to serve the proposed development including all future phases. The city may elect to pay oversizing costs, if required, to serve existing or future customers outside of the proposed development.

##### Section 93. Gravity line or pump station/force main construction.

Gravity lines shall be required in every instance where construction of gravity lines is physically feasible. Grinder pump stations may be permitted by the



city in other instances. The type of facilities to be constructed shall be determined by the city. The applicant shall pay the lesser of:

(a) CIAC for gravity line extensions; or

(b) Pump station (primary) CIAC plus pressure sewer extension CIAC plus any additional CIAC that may be assessed by the city.

Section 94. Refunds of prepaid charges.

Prepaid wastewater connection charges which are paid prior to installation of the facilities at the site for which they are paid, may be refunded to the current owner of the property for which the charges were paid upon application made, provided that the facilities for which payment was made have not been installed, and provided that all costs of the city incurred in connection therewith, including but not limited to administrative and engineering costs shall first be deducted prior to making any such refund. No interest shall be paid by the city on any such refund for prepayments. The burden of proof of any such prepayments shall be the applicant's.

Section 95. Maintenance of building sewer.

The customer shall be responsible for keeping his building sewer free of all obstructions from his premises. The customer will be responsible for any damage occurring to the customer's property due to an obstruction in the building sewer.

Section 96. Oversized facilities.

The city reserves the right to require oversizing of any wastewater facility (gravity wastewater lines, lift stations, pressure sewers, etc.) and shall pay the developer for such oversizing on the basis of additional costs incurred because of the oversizing. The city shall pay oversizing costs based on the difference between the engineering estimates for the cost of oversized facility and the cost of the facility that is required to serve the development.

Sections 97-107. Reserved.

DIVISION 6. RATES AND CHARGES GENERALLY

Section 108. Persons liable.

The depositor of record being served shall be liable for payment of all amounts due from rates and charges established by this article.

Section 109. Usage rates.

Monthly rates and volume charges to be charged by the city for the provision of sewerage service and the use and privilege of the use of the city's wastewater system shall be as follows (Ord. 2006-44):

- (a) Residential customers, for the first Service Unit, a base rate of thirty one dollars and five cents (\$31.05) per month for the first five thousand (5000) gallons of water consumed, plus six dollars and twenty one cents (\$6.21) per thousand (1,000) gallons of water consumed thereafter, or any part thereof.

- (b) Commercial customers, for the first Service Unit, a base rate of forty one dollars and forty cents (\$41.40) per month for the first five thousand (5000) gallons of water consumed, plus six dollars and twenty one cents (\$6.21) per thousand (1,000) gallons of water consumed thereafter, or any part thereof (Ord. 2006-44).
- (c) In addition to the adjusted base rates specified for residential or commercial customers in subsections (a) and (b) preceding, the City may, in any fiscal year, increase the adjusted base rates by a percentage equal to the actual increase in the Consumer Price Index for All Items, All Urban Consumers (CPI-U) for the State of Florida Statistical Area, seasonally adjusted, as published by the United States Department of Labor, Bureau of Labor Statistics, during the preceding fiscal year.
- (d) The volume charges hereby assume sewage of normal domestic strength. Upon determination by the city that any customer is discharging wastes which regularly exceeds normal domestic strength, the applied volume charge shall be the normal volume charge multiplied by the following surcharge formula:

(CBOD Measured or Estimated, mg/l) + (Suspended Solids Measured or Estimated, mg/l)

600

- (a) Sewage volume shall be based on water consumption as metered except that the city reserves the right to estimate sewage flow in the absence of adequate metering.

The city may, at its discretion, allow exemption of water volume from sewer billing to commercial users where such water is for agricultural use and is separately metered or where it is clear that one hundred (100) percent of the water exempted is included in a manufactured product and will not enter the sewer system of the city. This exemption shall not be made for normal commercial use of water or for normal residential use.

The fact that a percentage of all water consumed does not enter the sewer system has been recognized in defining the volume rate for use in sewer billings.

#### Section 110. Connection charges and service deposits.

Before any person shall newly connect any property, building or structure to the sewer system, he shall pay for such connection and availability of sewer, a sewer connection charge to be assessed by the superintendent in accordance with the following:

- (a) Residential customer connection, eight hundred dollars (\$800.00) for each Service Unit, exclusive of equipment and labor cost related to the installation of grinder pump stations, where required.
- (b) Commercial customer connection, eight hundred dollars (\$800.00) per connection point to the sewer system plus the greater of:
  - (1) Two hundred dollars (\$200.00) for each additional Service Unit served by the connection point.



- (2) One hundred dollars (\$100.00) for each additional one thousand (1,000) gallons per month above the initial five thousand (5,000) gallon increment of flow estimated through the connection point by the superintendent, such estimates of flow shall be made by the superintendent in accordance with normal flows expected from the plumbing fixtures being served by the connection, and
  - (3) the cost of equipment and labor related to the installation of grinder pump stations, where required.
- (c) The following service deposit shall be collected from each residential and commercial customer of city water, prior to furnishing city water services:
- (1) Residential: \$50.00
  - (2) Commercial \$100.00

Each deposit shall be refunded, without interest, to every customer who has incurred no "service cut-off" orders for any cause during any continuous twenty-four month service period. Each customer who incurs a "service cut-off" order subsequent to receiving a deposit refund pursuant to this section shall not receive further water service until the required service deposit is reposted, and furthermore, said customer shall not be eligible to receive a refund of such deposit until the required continuous twenty-four month period has elapsed without any occurrence of additional service cut-off orders.

The foregoing connection fees and service charges shall remain in full force and effect until changed or superseded by Resolution of the High Springs City Commission.

Section 111. Due date.

All bills evidencing charges for use of the sanitary sewerage system of the city shall be payable to the city by the users thereof on or before the fifteenth (15th) day of the month following the day on which such billing was rendered (Ord. 2007-30), or as henceforth established and governed by Resolution of the High Springs City Commission.

Section 112. Delinquent bills.

- (a) To each sewer payment that is past due there shall be added a surcharge of ten (10) percent.
- (b) If any rates, fees or charges established for the use and privilege of the use of the city wastewater system shall not be paid within ten (10) working days after the same shall become due and payable, the city may disconnect the premises from all utilities served by the city. The customer of said premises may cause to have his premises reconnected upon payment to the city all delinquent billings, penalties and reconnection fees.

- (c) In those instances where the an owner, who is not required to connect to the city's water system under Section 7. of this Ordinance, has his own private water supply and is connected to the city's wastewater system, if any rates, fees or charges established for the use and privilege of the use of the city wastewater system shall not be paid within ten (10) working days after the same shall become due and payable, the city shall have the right to disconnect the premises from ~~such private water supply.~~ the city's wastewater system. The owner shall have no right to reconnect his ~~private water supply~~ own premises to the city's wastewater system until all delinquent billings, penalties and reconnection fees have been paid in full. Any violation of this provision by reconnecting his ~~private water supply~~ premises to said wastewater system shall be considered a violation of this Ordinance and subject to the penalties herein provided. Nothing in this article shall limit the power of the city to enforce other laws for the protection of the public health and safety.

Section 113. Review and Amendment of Division 6. Rates and Charges Generally.

All subsequent wastewater system rates, volume charges, deposits, service charges, distribution line extension charges, gravity and/or pressure line extension charges, tap-on and connection fees, metering and test fees, penalties and other related charges and fees shall be established and governed by Resolution of the High Springs City Commission. The City Commission shall review all such rates, charges, deposits, fees and penalties annually during the budget review and adoption process for the purpose of proposing and adopting any necessary and required changes.

Sections 114-123. Reserved.

DIVISION 7. RATES AND CHARGES, SIGNIFICANT USERS: PERMITS AND ENFORCEMENT

Section 124. Fees.

- (a) Purpose. It is the purpose of this article to provide for the recovery of costs from users of the city's wastewater system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.
- (b) No free service. No water or wastewater service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the city and every agency, department or instrumentality that uses either or both services shall pay at the rates fixed by this Resolution.
- (c) Charges and fees. The city may adopt charges and fees which, in addition to any penalties required by Section 136 of this Ordinance, may include:
- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program: shall be actual cost incurred.
  - (2) Fees for monitoring, inspections and surveillance procedures: shall be actual cost incurred.



- (3) Fees for reviewing accidental discharge procedures and construction: shall be actual cost incurred.
- (4) Fees for "class b" service permit applications, as defined in Section 31. above, shall be two hundred fifty dollars (\$250.00) each.
- (5) Fees for filing appeals, fifty dollars (\$50.00) each.
- (6) Fees for consistent removal (by the city) of pollutants otherwise subject to federal pretreatment standards; shall be actual cost incurred, together with any applicable penalties.
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

The foregoing These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city. All subsequent significant user rates, charges and fees shall be established and governed by Resolution of the High Springs City Commission. The City Commission shall review all such rates, charges, deposits, fees and penalties annually during the budget review and adoption process for the purpose of proposing and adopting any necessary and required changes.

Section 125. Administration.

- (a) Wastewater dischargers. It shall be unlawful to discharge without a city permit to the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this article.
- (b) Wastewater contribution permits.
  - (1) All significant commercial and industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.
  - (2) Users required to obtain a wastewater contribution permit shall complete and file with the city an application in the form prescribed by the city, and accompanied by a fee of one hundred dollars (\$100.00). Users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
    - a. Name, mailing address, telephone number, fax number, email address, and location (if different from the mailing address).
    - b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
    - c. Wastewater constituents and characteristics including but not limited to those mentioned in this article as determined by a reliable 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.

- d. Time and duration of contribution.
- e. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and evaluation.
- g. Description of activities, facilities and plant processes on the premises including all materials that are or could be discharged.
- h. Where known, the nature and concentration of any pollutants in the discharge that are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards will be met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment will be required for the user to meet applicable pretreatment standards.
- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule shall be the 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:
  - 1. Each product produced by type, amount, process or processes and rate of production.
  - 2. Type and amount of raw materials processed (average and maximum per day).
  - 3. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system.
  - 4. 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 and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to terms and conditions provided herein.

Section 126. Permit conditions.



Wastewater contribution permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (b) Limits on the average and maximum wastewater constituents and characteristics.
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities.
- (e) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (f) Compliance schedules.
- (g) Requirements for submission of technical reports or discharge reports.
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto.
- (i) Requirements for notification of the city for 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.
- (j) Requirements for notification of slug discharges.
- (k) Other conditions as deemed appropriate by the city to ensure compliance with this article.

Section 127. Permit duration.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (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 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (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.

- (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 paragraph (a) shall exceed nine (9) months.
- (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent 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. In no event shall more than nine (9) months elapse between such progress reports to the superintendent.

#### Section 128. Permit modifications.

Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to such standards shall be revised 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 contribution permit as required by section 125, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of said applicable national categorical pretreatment standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard the information required by paragraphs h. and i. of section 125.

#### Section 129. Permit transfer.

Wastewater contribution 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 terms and conditions of the existing permit.

#### Section 130. Reporting requirements for permittee.

- (a) Compliance date report. Within eighty (80) 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 POTW, any user subject to pretreatment standards and requirements shall submit to the superintendent 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 O&M 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 POTW, shall submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, 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 that, during the reporting period, exceeded the average daily flow reported in section 125(b). At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.
- (2) The superintendent may impose mass limitations on users which 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 subparagraph (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of the sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, 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 superintendent pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling shall be performed in accordance with the techniques approved by the superintendent. 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 superintendent.

Section 131. Monitoring facilities.

The city may require the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer 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 be constructed in the public street or sidewalk area and located so

that landscaping or parked vehicles will not obstruct it. 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 ninety (90) days following written notification by the city.

Section 132. Inspection and sampling.

The city shall inspect the facilities of any user to ascertain whether the purpose of this article 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 their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city and regulatory agencies having jurisdiction shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city and regulatory agencies will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 133. Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this article 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 article. 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.

The city may annually publish a list of the users that were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the city or jurisdictional regulatory agencies upon request.

Section 134. Confidential information.



Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and for inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under state or federal law.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the national pollutant discharge elimination system (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city until and unless a ten-day notification is given to the user.

#### Section 135. Enforcement.

- (a) Harmful contributions. 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 POTW or causes the city to violate any condition of its operating permits.

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 sewer connection, to prevent or minimize damage to the POTW 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 noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

- (b) Revocation of permit. Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with this article:
  - (1) Failure of a user to factually report 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.
- (c) Show cause hearing. The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the city Codes Enforcement Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city Codes Enforcement Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city Codes Enforcement Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served as required by law, before the hearing. Service may be made on any agent or officer of a corporation.

The Codes Enforcement Board shall conduct the hearing, or hearings, and take the evidence, and may designate any of its members or any officer or employee of the city to:

- (1) Issue in the name of the city Codes Enforcement Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence and issue orders having the force of law to command whatever steps are necessary to bring a violation of this Ordinance into compliance.
- (3) Transmit a report of the evidence, the hearings, the orders and transcripts and evidence, together with recommendations to the city council for appropriate action.

At any hearing held pursuant to this article, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the city Codes Enforcement Board has issued proper notice, conducted the requisite hearings and reviewed the evidence, it may issue orders to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

- (d) Legal action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in any Court of appropriate jurisdiction.

Section 136. Penalty costs.



- (a) Civil penalties. Any user who is found to have violated an order of the Codes Enforcement Board or who willfully or negligently failed to comply with any provision of this article, and the orders, rules, regulations and permits issued hereunder, shall be fined for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, regulatory agency fines, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.
- (b) Falsifying information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both.

Section 137. Appeal.

Any aggrieved party, including the City Commission, may appeal a final administrative order of the city codes Enforcement Board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Codes Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

Section 138. Severability.

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

Section 139-148. Reserved.

DIVISION 8. WATER AND WASTEWATER SERVICE AREA

Section 149. Greater High Springs Water and Wastewater Service Area.

- (a) Creation, purpose. There is hereby created under authority of Florida Statutes section 180.02 (1997) an area defined as the City of High Springs Water and Wastewater Service Area for the purpose of delivering to that area water and wastewater services and exercising within that area the powers provided for by law.

- (b) The High Springs Water and Wastewater Service Area shall include the High Springs Extra Territorial Reserve Area as created and defined in the Alachua County Boundary Adjustment Act of 1990, and Alachua County Resolution 98-09, which are by reference incorporated into this section as if fully set forth herein.
- (c) None of the Greater High Springs Service Area includes any area within the city limits or urban reserve of any other incorporated municipality.
- (d) Legal description. The Legal description by section number, township number and range number of the land in Alachua County, Florida, included within the City of High Springs City Water and Wastewater Service Area is on file with the city clerk and available for inspection and copying.
- (e) Reference to Greater High Springs City Service Area. Wherever reference is made in this chapter to the Greater High Springs Service Area, such reference shall be construed to mean the Greater High Springs Water and Wastewater Service Area.
- (f) Water and sewer availability.
  - (1) To the full extent permitted by law, all buildings and structures that are located or constructed on property in the Greater High Springs Water and Wastewater Service Area and that are adjacent to a public right-of-way or easement that has a water main or public sanitary sewer located in it, but whose property line is greater than two hundred (200) feet (61 meters) from the nearest public sanitary sewer, are hereby urged 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 High Springs Water and Wastewater Service Area.
  - (2) A water main or public sanitary sewer 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 public sanitary sewer will not be considered available in a state road right-of-way unless it is available on the same side of the paved roadway as the property to be served.

Sections 150-155. Reserved.

#### DIVISION 9. EFFECTIVE DATE

Section 156. Effective date.

This Ordinance shall take effect ten (10) days after passage on second and final reading.

PASSED this 9th day of August, 2007

First Reading: 07-12-2007

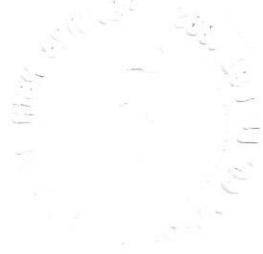
Second Reading: 08-09-2007



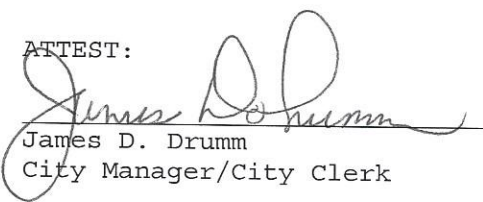
Date of Publication:

  
Thomas G. DePeter, Mayor

(Municipal Seal)



ATTEST:

  
James D. Drumm  
City Manager/City Clerk

This Instrument Prepared By:  
James L. Pendland, Jr.  
City Attorney  
City of High Springs