

ORDINANCE 2015-005

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, RELATING TO THE REGULATION OF GREASE TRAPS AND DISCHARGES INTO CITY SYSTEMS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park has certain responsibilities for the public health, safety and welfare within the City limits; and

WHEREAS, Chapter 166, Florida Statutes, authorizes towns and municipalities to adopt ordinances to protect the citizen's health, safety and welfare, in exercise of the City's police power; and

WHEREAS, the City Commission has determined that it is in the best interests of the City to regulate discharges into the City's sewage collection and treatment system including regulation of grease traps for the protection of the public; and

WHEREAS, the City of Fruitland Park has advertised as required by law for two public hearings prior to adoption of this Ordinance; and

WHEREAS, the City Commission of the City of Fruitland Park, Lake County, Florida hereby finds and declares that the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of this community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. Recitals.

The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

SECTION 2. Discharge into City System.

The Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended by adding Chapter 52 which reads as follows:

CHAPTER 52
DISCHARGE INTO CITY SYSTEM

Sec. 52.01. – Sec. 52.25. Reserved

Sec. 52.26. - Purpose and intent.

The purpose of these regulations is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of discharges into the sewer system to the maximum extent practicable.

- (1) To regulate the discharge of certain pollutants to the municipal sewer system by any person;
- (2) To prohibit discharges to the municipal sewer system; and
- (3) To establish the legal authority to ensure compliance with these regulations.

Sec. 52.27. – Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Sewer system means a system of pipes and other collection components such as manholes and pump stations that collects sewage and stormwater and takes it for treatment or disposal, inclusive of those components and systems owned by the Town of Lady Lake.

Sec. 52.28. - Discharge into City's sewer system.

- (A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage or industrial processed waters into the City sewerage collection and treatment system.
- (B) No person shall discharge or cause to be discharged any of the following described waters or waste into the City sewerage system:
 - (1) Any liquid vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit.
 - (2) Any water or waste which may contain more than one hundred parts per million, or mg/l, of fat, oil, grease or wastewater required to be treated with a pollutant interceptor or grease trap.
 - (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the property operation of the sewerage works.
- (6) Any waters or wastes have a ph lower than 6.2 or higher than 8.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Sec. 52-29. - Regulation of grease traps.

- (A) *General.* All food preparation/service establishments shall have outside grease traps sized as provided herein. All wastewater flow from the kitchen areas of these establishments must flow through approved grease traps prior to entering the collection system. The traps will be sized according to the latest Health Department requirements.
- (B) *Fast food restaurants.* Single grease trap capacity shall be sized at the rate of ten (10) gallons per seat.
- (C) *General restaurants.* Single grease trap capacity shall be sized at the rate of twenty (20) gallons per seat.
- (D) *24-hour restaurants.* Single grease trap capacity shall be sized at the rate of thirty (30) gallons per seat.
- (E) *Convention center/manufacturing cafeterias.* Single grease trap capacity shall be sized at the rate of three (3) gallons per meal.
- (F) *Miscellaneous food preparation/service establishments.* Developer's engineer shall consult with City personnel before finalizing the design.
- (G) *Garages and vehicles service facilities, including car washes.* Developer's engineer shall consult with City personnel before finalizing the design.
- (H) All food preparation/service establishments shall have each grease trap pumped to remove fats, oils and grease, and other accumulations, every 90 days and provide written proof to the city. Failure to do so will be a violation and any violator shall be subject to the penalties provided in section 10-99.

Sec. 52-30. - Enforcement.

- (A) The City shall notify the owner of the building or premises in which there is found a violation of this chapter. The written notification shall state that the owner has 30 days from the date of the notice to have the violation corrected. Said notice shall further advise that, should the violator fail to remediate or correct the violation within the established time, the following shall apply:
- a. If the violation is not corrected within the 30 day cure period, and the City does not grant an additional cure period, as hereafter defined, then a daily fine of \$50.00 is imposed for each day the violation exists commencing on the date of the initial written notice and continuing each day thereafter until corrected.
 - b. Prior to the 30 day cure period expiring, an owner may request additional time to cure the violation from the city manager or designee. If the owner demonstrates good cause for requesting additional time, the city manager or designee may grant additional time to cure the violation (the "additional cure period"). If good cause is not demonstrated, an additional cure period shall not be granted. Good cause means demonstrated progress in attempting to correct the violation. If an additional cure period is granted and the violation is not corrected on or before the additional cure period expires, then a daily fine of \$50.00 is imposed for each day the violation exists commencing on the date of the initial written notice and continuing each day thereafter until corrected.
 - c. If the violation is not corrected within a reasonable amount of time (as determined by the city manager or designee) from the date of the initial written notice, then the City may, but is not required to, cure the violation and have such work completed by the City or a contractor designated by the City and the expense thereof shall be charged to the owner as a lien on its property.
 - d. An owner may appeal a notice of violation to the city manager by providing written notice to the city manager's office within 7 business days of the date of the notice of violation. The written notice should include the owner's reasons why the city manager should overturn the violation, and should include any documents the owner wishes the city manager to consider. The city manager will review the written notice and documents provided and will issue a written finding within 20 business days.
- (B) The City will notify the department of health in writing of any violation of this chapter if the violation is not corrected within the initial 30 day cure period.
- (C) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of these regulations. If a person has violated or continues to violate the provisions of these regulations, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. The person shall pay the City attorney's fees and costs associated with such action if an injunction is issued.

- (D) The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 3. Conflicts.

All ordinances, resolutions or parts thereof in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. Severability.

If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.


SECTION 5. Codification.

It is the intent of the City Commission of the City of Fruitland Park that the provisions of this chapter shall become and made a part of the City of Fruitland Park Code of Ordinances; and grants authority to the codifier to renumber or reletter sections, and change the words in this ordinance to section, article, chapter or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Effective Date.

This Ordinance shall become effective immediately upon its passage and adoption.

PASSED and ORDAINED this 27th day of July, 2015, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

Attest:



Esther Coulson, City Clerk

Vice-Mayor Cheshire	<u> </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> ✓ </u>	(Absent)
Commissioner Gunter	<u> ✓ </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)
Commissioner Lewis	<u> ✓ </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)
Commissioner Ranize	<u> </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> ✓ </u>	(Absent)
Mayor Bell	<u> ✓ </u>	(Yes),	<u> </u>	(No),	<u> </u>	(Abstained),	<u> </u>	(Absent)

First Reading July 25, 2015

Second Reading August 27, 2015

Approved as to form and legality:



Anita Geraci-Carver, City Attorney