

ORDINANCE NO. 18-01

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING SECTIONS 20-111, 20-114 AND 20-117 OF THE CITY OF SOUTH DAYTONA'S CODE OF ORDINANCES DEALING WITH COMMERCIAL AND INDUSTRIAL WASTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of South Daytona desires to limit the quantity of toxic substances found in wastewater; and

WHEREAS, the City of South Daytona must from time to time perform certain "housekeeping" measures to the Code of Ordinances to comply with all applicable state and federal laws regarding the collection of wastewater.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, THAT:

SECTION 1. Code Provisions Affected.

Article VII, Section 20-111 Use of public sewers.

Article VII, Section 20-114 Same application; agreement renewal, administration of agreements.

Article VII, Section 20-117 Penalties clause.

SECTION 2. Adopted.

NOTE: Underlined words constitute additions to the City of South Daytona's Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

➤ Article VII, Section 20-111, (c), (4).

(4) Solid or viscous substances in quantities or of such size **(greater than one-half inch in any dimension)** capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, **petroleum oil, non-biodegradable cutting oil or products of mineral oil origin**, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

➤ Article VII, Section 20-111, (c), (8).

(8) Any radioactive wastes or isotopes ~~of such half-life or concentration as may exceed limits established by the director~~ **except** in compliance with applicable state or federal regulations.

➤ **Article VII, Section 20-111, (c), (10).**

(10) Waters or wastes containing substances which are not amenable to treatment by reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. **Such substances include, but are not limited to, pesticides, fungicides and herbicides.**

➤ **Article VII, Section 20-111, (c), (11).**

(11) Any water or waste containing toxic substances in quantities in excess of the following limits and measured at the point of discharge into the sewer system:

Substance	Mg/l
Arsenic	0.75
Cadmium	0.54
Chromium total	3.8
Copper, total	1.0
Cyanides	0.04
Lead	2.8
Mercury, total	0.004
Nickel	3.2
Selenium	1.1
Silver	0.81
Zinc, total	7.6

or

a. Any substance that will pass-through the waste treatment facilities and exceed the state and federal requirements for receiving waters;

b. Or preclude the beneficial use of wastewater effluent; or

c. Preclude the beneficial use of wastewater sludge either in land-spreading or in marking the sludge in a treated form.

An industrial or commercial user identified as having discharged a prohibited waste or a waste in excess of the allowable limits as established in this agreement shall pay for all damages and

expenses incurred as a result of that discharge. This penalty is separate from any other defined in this agreement. The continued discharge of prohibited wastes shall subject the user to the penalties defined in section 20-117, ~~and Section 20 of the City of Daytona Beach Ordinance Number 91-307.~~

(12) Pollutants, including oxygen-demanding pollutants (CBOD, etc), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the municipal sewer system.

(13) Pollutants which result in the presence of toxic gases, vapors or fumes within the sewer system in a quantity that may cause acute worker health and safety problems.

(14) Any trucked or hauled pollutants.

(15) Noxious or malodorous liquids, gases, solids or other wastewaters which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.

(16) Sludges, screenings or other residues from the pretreatment of industrial wastes.

(17) Medical wastes, except as specifically authorized in written form by the City.

(18) Wastewater causing, alone or in conjunction with other sources, effluent to fail a toxicity test.

(19) Detergents, surface-active agents or other substances which may cause excessive foaming in the wastewater system.

➤ **Article VII, Section 20-111, (h).**

(h) *Right of Entry.* The director, or their designee, may enter upon any land and make inspections, examinations and surveys as necessary in the administration and enforcement of this article.

➤ **Article VII, Section 20-114, (4).**

(4) An application for an initial agreement shall be accompanied by a check for ~~fifty dollars (\$50.00)~~ **five hundred dollars (\$500)** drawn in favor of "City of South Daytona" as application fee.

➤ **Article VII, Section 20-117 – Penalties Clause.**

Any person who violates any provision of this article shall, upon conviction, be punished by a fine not exceeding ~~five hundred dollars (\$500.00)~~ **one thousand dollars (\$1000.00)**, or by imprisonment for a period not exceeding sixty (60) days, or both fine and imprisonment in the discretion of the court, for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. **After a period of ten days of continued violation, the wastewater services shall be terminated.** Additionally and alternatively, the city may enforce this article by applying for civil relief, either in law or equity, for a declaration of rights, injunctive relief, or other appropriate remedies. Upon finding a violation, the court shall

grant the relief it finds appropriate. It is the express intent hereof that the city not be required to plead and prove a public nuisance, intent or scienter as a basis for civil relief, and no bond shall be required.

The provisions may also be enforced by the code enforcement board. Nothing herein shall be construed as authorizing more than one (1) penalty for the same offense.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portion or application hereof.

SECTION 4. Conflicts. All ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED upon first reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 23rd day of January, 2018.

PASSED AND ADOPTED upon second and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 27th day of February, 2018.

SIGNED:

SIGNED
WILLIAM C. HALL
Mayor

ATTEST:

SIGNED
JOSEPH W. YARBROUGH
City Manager

APPROVED AS TO FORM:

SCOTT SIMPSON
City Attorney