

## ORDINANCE 16-03

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA REPEALING SECTION 52-122, ENTITLED "GREASE TRAPS, INTERCEPTORS OR SEPARATORS," IN CHAPTER 52, ENTITLED "UTILITIES", ARTICLE II, ENTITLED "UTILITY OPERATION AND REGULATIONS", DIVISION 5, IN THE MARCO ISLAND CODE OF ORDINANCES; ADOPTING NEW SECTIONS 52-122 THROUGH 52-131, INCLUSIVE, IN CHAPTER 52, ARTICLE II, DIVISION 5, IN THE MARCO ISLAND CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, evidence has been collected suggesting that damage has occurred to the public wastewater system of the City of Marco Island, Florida (the "City") due to the failure of commercial customers to use traps, interceptors or separators to prevent the discharge of excessive grease and oil into the public wastewater system; and

**WHEREAS**, on October 6, 2008, the City adopted Ordinance No. 08-12 to prevent further damage to its public wastewater system by requiring the use of grease and oil traps, interceptors and separators; and

**WHEREAS**, after having received input from members of the staff in the preparation of this ordinance, the City Council finds that it is in the best interest of the residents of the City to repeal Section 52-122 of the Code of Ordinances and adopt a new ordinance providing for the annual permitting process of obtaining a Grease Discharge Permit.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA<sup>1</sup>:**

### **SECTION 1. Recitals.**

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance.

### **SECTION 2. Repeal of Ordinance No. 08-12.**

Ordinance No. 08-12 of the City of Marco Island, Florida, codified at Section 52-122,

<sup>1</sup> Proposed additions to existing City Code text are shown by underlining; proposed deletions from existing City Code text are shown by ~~striketrough~~; shaded text reflects changes made from First Reading.

entitled "Grease Traps, Interceptors or Separators," of Chapter 52, Article II, Division 5, of the City Code of Ordinances is hereby repealed as shown:

## **Chapter 52 - UTILITIES**

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## **ARTICLE II. - UTILITY OPERATION AND REGULATIONS**

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### **DIVISION 5. - GREASE DAMAGE PREVENTION REGULATIONS**

#### **•—Sec. 52-122. —Grease traps, interceptors or separators.**

~~Grease traps, interceptors, or separators shall be required in accordance with the applicable plumbing provisions of the Florida Building Code, its implementing administrative rules and as required herein for all commercial or institutional establishments that use grease or oil in the preparation of food, to prevent damage from grease as defined herein to the public wastewater system. These regulations are intended to be supplemental to the provisions of the Florida Building Code, its implementation administrative rules and the utilities department manual of standards and specifications. Any conflict between these regulations and the Florida Building Code, its implementing administrative rules and the utilities department manual of standards and specifications shall be resolved in favor of the Florida Building Code or its implementing administrative rules. For purposes of this section, "institutional establishments" shall include any governmental or non-profit entity including, but not limited to, churches (or other houses of worship), associations and clubs, which establishment serves meals produced on-site for 20 persons or more at any one meal.~~

- ~~(1) The maximum volume of a combined or an individual single grease or oil trap, interceptor or separator chamber shall be 1,250 gallons. When the required effective capacity of the single or combined grease or oil trap, interceptor, or separator is greater than 1,250 gallons, as required by the plumbing provisions in the Florida Building Code, plumbing for a multi-chambered grease or oil trap, interceptor or separator or a series of grease or oil traps, interceptors and separators shall be installed and required.~~
- ~~(2) Grease traps, interceptors and separators shall be in a location that is readily and easily accessible for cleaning and inspection. No under-cabinet grease trap, interceptor or separator will be permitted. The size, type and location of each grease trap(s), interceptor(s) or separator(s) shall be approved by the City of Marco Island Building Official.~~
- ~~(3) Cooking oil shall not be disposed of through the trap, interceptor, or separator.~~
- ~~(4) An annual grease trap, interceptor or separator permit shall be obtained from the building services division of the community affairs department. The permit holder shall provide city staff with access to the grease trap, interceptor or separator for inspection purposes as provided in section 18-85. Permits shall be secured between August 1 and November 1 each year. The annual inspection, as described in subparagraph (6), may be made on any preceding date in the same calendar year. Fees, if any, for the annual grease trap permit may be established by resolution.~~

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- (5) Grease traps, interceptors, and separators shall be pumped out and cleaned as often as necessary to maintain their containment capacity, but not less than once per year.
- (6) Annual cleaning, pump-out, inspection and maintenance of grease traps, interceptors and separators shall be performed by a licensed septic tank service company. Records shall be maintained by the property owner and posted in the kitchen or discharge area showing the date and company's name that performed the cleaning, pump-out, inspection and maintenance. A copy of the record shall be provided annually to the building services division.
- (7) The property owner shall be responsible for the proper removal and disposal by appropriate means of the captured material in accordance with any applicable federal, state or local laws or regulations, chapter 18 of this Code and the utilities department manual of standards and specifications. The use of biological degreasers to prevent build up in a property owner's wastewater system inside a building is prohibited.
- (8) A property owner whose grease trap, interceptor, or separator is found not in compliance with chapter 18 or the utilities department manual of standards and specifications or is otherwise not functioning, is clogged, improperly maintained, or has blocked the city's wastewater collection lines, manholes or stations, located immediately downstream of the property owner's service connection for whatever period of time shall be a violation of this article and subject to the provisions of and penalties contained in section 18-88, including, but not limited to, recovery of the cost to repair any and all damage to the city's system.

### **SECTION 3. Adoption Of New Grease Damage Prevention Regulations.**

Sections 52-122 through 52-131 of the Code of Ordinances of Marco Island, Florida are hereby adopted to read as follows:

#### **Chapter 52 - UTILITIES**

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#### **ARTICLE II. - UTILITY OPERATION AND REGULATIONS**

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#### **DIVISION 5. - GREASE DAMAGE PREVENTION REGULATIONS**

##### **Sec. 52-122. - Definitions.**

When used in this division, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

CMD shall mean the City Manager's designee.

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FSF shall mean a Food Service Facility

GDP shall mean a Grease Discharge Permit

GHR shall mean a Grease Hauler Registration

GMP shall mean a Grease Management Program

Mg/L shall mean Milligrams per liter

NONC shall mean a Notice of Non-Compliance

PDI shall mean a Plumbing and Drainage Institute

RWPF shall mean the City's Reclaimed Water Production Facility.

**Sec. 52-123. - Purpose and Applicability.**

(a) Purpose. This division establishes uniform permitting, maintenance and monitoring requirements for controlling the discharge of grease from a FSF discharging into the City's wastewater collection system and for regulation of commercial grease haulers operating within the City limits. The objectives of this ordinance are:

- (1) To prevent the introduction of excessive amounts of grease into Marco Island's wastewater collection system.
- (2) To prevent clogging or blocking of the City's sewer lines due to grease build-up causing backup and flooding of streets, residences and commercial buildings and surrounding waters, resulting in potential liability to the City.
- (3) To implement a procedure to recover the costs incurred in cleaning and maintaining sewer lines and disposing of grease blockages.
- (4) To implement a procedure to recover costs for any liability incurred by the City for damage caused by grease blockages resulting in the flooding of streets, residences or commercial buildings.
- (5) To issue "grease discharge permits" (GDP) to FSF required to install a grease trap or interceptor pursuant to the Florida Building Code, F.A.C. Rule 64E-6 and Marco Island Utilities Manual of Standards requiring maintenance, monitoring, compliance and enforcement activities.

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- (6) To establish administrative review procedures and reporting requirements.
  - (7) To establish fees for the recovery of costs resulting from the program established herein.
  - (8) To register "Grease Haulers" operating within the City's boundaries.
  - (9) To establish enforcement procedures for violations of any part or requirement of this division.
  - (10) To prevent maintenance and odor problems in the City's sewage collection and treatment system.
- (b) Applicability. The provisions of this division shall apply to all FSFs located within the sewer service areas of the City of Marco Island. The provisions of this division shall also apply to all grease haulers providing service to any FSF located within the City of Marco Island sewer service areas.

**Sec. 52-124. - Grease Traps and Interceptors.**

- (a) Requirements. All FSFs are required to have a grease trap or grease interceptor properly installed in accordance with any and all applicable requirements of the Florida Building Code and this division and shall be in a location that is readily and easily accessible for cleaning and inspection.
- (1) New facilities. FSFs which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a FSF, where such facility did not previously exist, shall be required to install a grease interceptor or grease trap(s) according to the requirements of the Florida Building Code/Marco Island Utilities Department Manual of Standards and Specifications and to operate and maintain the grease trap(s) or interceptor according to the requirements contained in this division.
  - (2) Existing facilities. FSFs shall be permitted to operate and maintain existing grease interceptors or grease traps provided their grease interceptors or grease traps are in efficient operating condition. A FSF that applies for any type of permit shall conform to current code requirements.

Existing FSFs without a grease interceptor or trap shall install a new grease interceptor or trap that complies with the requirements of the

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Florida Building Code/Marco Island Utilities Manual of Standards and Specifications or to modify or repair any noncompliant plumbing or existing interceptor or trap. This requirement must be met by January 31, 2017, within two (2) years of the adoption of this Ordinance.

- (b) *Plumbing connections.* Grease interceptors or traps shall be installed in accordance with the Florida Building Code. The City Manager or his Designee (CMD) will make the final decision when conflicts between rules occur.
- (c) *Grease traps.* Grease traps shall be installed in accordance with the Florida Building Code, PDI-G101 procedures, F.A.C Rule 64E-6, and Marco Island Utilities Manual of Standards.

  - (1) *Inspection, cleaning and maintenance.* Each FSF shall be solely responsible for the cost of trap installation, inspection, cleaning and maintenance. Each FSF may contract with a registered grease hauler, who has been permitted by the City for cleaning services and maintenance procedures. Cleaning and maintenance must be performed when the total volume of captured grease and solid material displaces more than 25% of the total volume of the trap. Grease Traps are required by the FSF owner, business owner or designee to be inspected weekly and be cleaned at a minimum of once every 30 days or as often as needed not to exceed 25% of the total volume. Disposal of FOG must be according to Collier County's Solid Waste requirements.
  - (2) *If a FSF determines that the supplemental interceptor pumping frequency is unnecessary to remain in compliance, the facility may submit a written request for an interim inspection at a fee of \$75.00 to verify that all conditions of this Division are in compliance.*
  - (3) *Inspection.* Grease traps shall be inspected by the CMD, as necessary to assure compliance with the GMP and to assure proper cleaning and maintenance schedules are being adhered to.
  - (4) *Repairs and replacement.* The FSF shall be responsible for the cost and scheduling of all repairs or replacement to its grease trap(s). Permits for repairs or replacement required by the CMD shall be completed within 30 calendar days after the date of written notice of required repairs or replacement. The City may authorize an extension of time to achieve compliance for an additional 30 days. If additional time is necessary to come into compliance, the FSF may enter into an administrative order establishing a schedule for bringing the FSF into compliance within 120 days from the date of the original notice.

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(5) Disposal. Grease and solid materials removed from a grease trap shall be disposed of in the solid waste disposal system.

(6) Record keeping. The FSF shall maintain records of all interceptor maintenance. These records will include: inspection/pump outs, details of maintenance, repairs, repair completion date(s) and any other records pertaining to the interceptor. These records shall be maintained in an organized system by month and made available for review upon request by the GMP official at all times.

(d) Grease interceptors. Grease interceptors shall be designed and installed in accordance with the FAC Rule 64E-6 and the City of Marco Island Utilities Department Manual of Standards.

(1) Inspection, pumping and maintenance. Each FSF shall be responsible for the costs of installing, inspecting, pumping, cleaning and maintaining its grease interceptor. All FSFs that have grease interceptors shall utilize a registered grease hauler, who has been registered by the City for pumping services. Pumping services shall include the initial complete removal of all contents, including floating materials, wastewater, bottom sludge and solids from the interceptor.

Grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipe work. It shall be the responsibility of each FSF to inspect its grease interceptor during the pumping procedure to ensure that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in working condition and functioning properly.

(2) Required Interceptor pumping frequency. Each FSF shall have its grease interceptor(s) pumped a minimum of (4) times per year during the months as outlined below:

1. February/March

2. May/June

3. August/September

4. November/December

If a FSF determines that the required interceptor pumping frequency is unnecessary in order to remain in compliance with the criteria in subsection (2) above, the facility may submit a written request for an interim inspection at a fee of \$75.00 to verify that all conditions of this Division are in compliance.

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- (3) Supplemental interceptor pumping frequency. In addition to required quarterly pumping, each FSF with 100 or more total seats shall pump monthly in January, February, March and April during season. Those facilities may choose to opt out; however, if the FSF is inspected during this time period and is found to be in violation, an automatic ~~fine fee~~ of \$250 will be assessed. Immediate cleaning/pumping of the grease interceptor is also required and a follow up inspection will occur within three (3) days. If the violation(s) are not corrected additional ~~fine fees~~ will be assessed for non-compliance. Each additional ~~fine fee~~ will be doubled with each failed inspection. Additional grease interceptor pumping is required according to the following criteria:
- a. When the floatable grease layer exceeds six inches in depth as measured by an approved dipping method;
  - b. When the settled solids layer exceeds eight inches in depth as measured by an approved dipping method;
  - c. When the total volume of captured grease and solid material displaces more than 25% of the capacity of the interceptor as calculated using an approved dipping method; or
  - d. When the interceptor is not retaining/capturing oils and greases.
  - e. If a FSF determines that the supplemental interceptor pumping frequency is unnecessary in order to remain in compliance with the criteria in subsection (3) above, the facility as an option may submit a written request for an interim inspection at a fee of \$75.00 to verify that all conditions of this Division are in compliance.
- (4) Inspection. Grease interceptors shall be inspected by the CMD as necessary to assure compliance with the GMP and to determine if proper cleaning and maintenance schedules are being adhered to. If, upon inspection, an interceptor is found to have six inches or more of grease or eight inches or more of solids, the FSF shall be required to have the interceptor pumped out within 48 hours of the inspection date. Failure to pump-out the interceptor shall constitute a violation of this division.
- (5) Repairs and replacement. Each FSF shall be responsible for the cost and scheduling of all repairs to or replacement of its grease interceptor(s). Permits for repairs or replacement required by the CMD shall be completed within 30 calendar days after the date of written notice of required repairs or replacement. The City may authorize an extension of

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time to achieve compliance for an additional 30 days. If additional time is necessary to come into compliance, the FSF may enter into an administrative order establishing a schedule for bringing the FSF into compliance within 120 days from the date of the original notice.

- (6) Disposal. Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes in accordance with applicable federal, state, local laws or regulations. Neither grease nor solid materials removed from interceptors shall be returned to any grease interceptor, private sewer line, the City's wastewater collection system or water reclamation facilities.
- (7) Record keeping. Each FSF shall maintain records of all interceptor maintenance. These records will include: inspection/pump outs, details of maintenance, repairs, repair completion date(s) and any other records pertaining to the interceptor. These records shall be maintained in an organized system by month and made available for review upon request by the GMP official at all times.

Each FSF shall also maintain a file on-site which contains the following information:

- a. The (as-built) drawings of the plumbing system, if available. If as-built drawings are not available, other drawings of sufficient detail to depict the plumbing layout of the FSF.
- b. A copy of the current grease disposal permit.
- c. Receipts from grease pumpers, plumbers, parts suppliers, etc.
- d. Log of pumping or cleaning activities.
- e. Log of maintenance activities.
- f. Completed Disposal Manifest.
- g. Seating Charts depicting the number of indoor and outdoor seating and identify which seats are bar seats and which seats are dining.
- h. Hauler information.

The file shall be available at all times for inspection and review by the CMD. The failure to maintain complete records or to provide such records to the CMD upon request constitutes a violation of this division.

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- (e) Additives. The use of biological degreasers, enzymes, or chemicals to prevent build up in a property owner's wastewater system is prohibited.
- (f) Alternative grease removal devices and methods. Alternative devices and methods, such as automatic grease removal systems shall be subject to written approval by the Building Official and the CMD.
- (g) FSF located outside City limits. All FSFs not within the City limits and connected to the City's wastewater and sewer collection system shall abide by the requirements of the GMP as set forth in this Division.

**Sec. 52-125. - FSF permitting program.**

- (a) Permitting requirements for FSF. All FSFs shall be required to obtain a "grease discharge permit" (GDP), from the City starting August 1<sup>st</sup> through November 1<sup>st</sup>. This permit will be valid for a one year period. The City shall approve, deny, or approve with special conditions all applications for GDPs in accordance with the policies and regulations established in this division. The GDP shall be in addition to any other permits, registrations, or occupational licenses which may be required by federal, state, or local law. It shall be a violation of this division for any FSF identified by the City to discharge wastewater containing fats, oils, grease and solids to the City's wastewater collection system without a current GDP.
- (b) Application form. The City shall provide an application form for a GDP. The appropriate form shall be issued to all FSF owners identified by the City. Each application form shall include the following information:
- (1) Name, address, telephone number and location, (if different from the mailing address) of applicant, owner of the premises (if different from the tenant when property is leased) from which fats, oils and grease are discharged, and the name of a representative duly authorized to act on behalf of the FSF.
  - (2) A drawing in sufficient detail to show the location of all kitchen equipment that produces wastewater, and all sewers, floor drains, sewer connections, grease interceptors and appurtenances in the user's premises if known or it may be readily ascertained.
  - (3) Maximum hours of operations in one day and maximum meals produced per day.

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- (4) Individual's name or business name on Utility water bill.
  - (5) Details of all grease interceptor or grease trap maintenance within the past year.
  - (6) A signed statement from the FSF owner that the information provided is accurate, and that the applicant agrees to abide by the regulations contained in this division, as well as any other applicable federal, state or local regulations governing the FSF.
  - (7) Any other information determined by the CMD to be necessary in order to evaluate the GDP application.
  - (8) A current seating chart of the facility depicting the number of indoor and outdoor ~~seating~~ seats, ~~bar seats and high top seats.~~
- (c) *Facilities with shared interceptor.* In addition, the owner of the shared interceptor used by multiple FSF shall be issued a separate permit requiring compliance with this division and the Florida Administrative Code.
- (d) *Pre-permit inspection procedure.*
- (1) Individual FSF. Once a completed application form has been reviewed by the CMD, the FSF will be inspected prior to the issuance of the GDP beginning August 1st through November 1st every year. During the pre-permit inspection, the information contained in the application form will be verified and the grease interceptor or trap will be inspected during a scheduled cleaning when the trap or interceptor is empty and owner or designee present. If all information is verified and the grease interceptor or trap is in proper working condition, a GDP will be issued. If the grease interceptor or trap requires any maintenance/repairs or incorrect information has been given, the GMP official shall provide a written notice of noncompliance to correct any deficiencies, including a required time schedule for repairs to be corrected prior to a second pre-permit inspection. Second pre-permit inspections shall be performed after a minimum of 10 calendar days have elapsed to allow for corrective action by the FSF to occur. If the facility is not in compliance at the second pre-permit inspection, a noncompliance fee will be levied. An application for a permit shall be granted with conditions or denied within 30 days after the date of the last pre-permit inspection.
- (e) Grease discharge permit. The following criteria apply to all GDPs:
- (1) Each GDP shall be effective for a one-year period and shall

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have an effective and an expiration date. GDPs will be issued from August 1st through November 1st every year.

- (2) The GDP must be displayed in a conspicuous place where it can be seen by the staff of the FSF and a copy of the GDP must be kept in the records file.
- (3) The GDP shall be issued to a specific user for a specific operation. GDPs will vary in content and requirements depending on the class of the FSF and the type of grease removal device(s) installed. A GDP shall not be transferred or sold to a new owner under any circumstances. A new owner is required to apply for a new GDP at the time of zoning permit application. The new GDP will be issued on a pro-rated basis and will expire at the end of the current permit period.
- (4) Issuance of GDP will be 60 days prior to the expiration date of the existing GDP.
- (5) The terms and conditions of the GDP are subject to modification by the City during the term of the permit, if limitations or requirements in this program are modified. The user shall be informed of any proposed changes in the issued permit at least 60 days prior to the effective date of the change(s). Any changes or new conditions in the GDP shall include a reasonable schedule for achieving compliance.
- (f) Entry. Each FSF shall allow the CMD at all reasonable hours to all parts of the premises for the purpose of inspection, observation, records examination, measurement, sampling and testing in accordance with the provisions of this division. The refusal of any FSF to allow the CMD entry to or upon the facility's premises for purposes of inspection, sampling effluents, inspecting and copying records or performing such other duties as shall be required by this division shall constitute a violation of this division. The CMD may seek a warrant or use such other legal procedures as may be advisable and reasonably necessary to discharge his duties pursuant to this division.
- (g) Inspection. All FSFs shall be inspected as follows:
  - (1) Pre-permit inspections. Pre-permit inspections shall be conducted by GMP officials as outlined in Section 52-125(d).

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(2) Inspections. The GMP official shall inspect FSFs on both an unscheduled and unannounced basis or on a scheduled basis after a GDP has been issued to verify continued compliance with the requirements of this division. The GMP official shall also determine if the practices contained in the "Fats, Oil and Grease Best Management Practices Manual" issued to the facility have been implemented. All FSFs with current GDPs shall be inspected. Inspections shall include all equipment, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor/trap. The GMP official shall also inspect the interceptor/trap maintenance logbook and file, other pertinent data, the grease interceptor/trap and may check the level of the interceptor/trap contents and/or take samples as necessary. The GMP official shall record all observations in a written report. Any deficiencies shall be noted, including but not be limited to:

- a. Failure to properly maintain the grease interceptor or trap in accordance with the provisions of the grease discharge permit and this chapter.
- b. Failure to report changes in operations, or wastewater constituents and characteristics.
- c. Failure to report pumping activities or keep copies of manifest forms or receipts.
- d. Failure to maintain logs, files, records or access for inspection or monitoring activities.
- e. Failure to obtain or renew the oil and grease discharge permit in a timely manner.
- f. Any other inconsistency with the program that requires correction by the FSF concerned.
- g. Inability of existing grease interceptor or grease traps to prevent discharge of grease into sewer system as evidence by build-up of grease downstream of the grease interceptor or trap. If any deficiencies are recorded by the GMP during an inspection, the GMP official shall provide the FSF a written notice to correct the deficiency within 10 calendar days, and a tentative date for a first re-inspection.
- h. Addition of indoor or outdoor seating that exceeds the operating permit. ~~This does not include daily specials, however it does include~~

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~~hours of operations, addition of breakfast, lunch and/or dinner menus.~~

~~Any ~~significant~~ changes to menu from last permit period. ~~This does not include daily specials, however it does include hours of operations, addition of breakfast, lunch and/or dinner menus~~~~

- (3) Re-inspections. The CMD shall re-inspect food service facilities which received noncompliance notice/s after the original inspection. The CMD shall inspect any repairs or other deficiencies and shall provide written notice of non-compliance. In the event that the FSF has returned to compliance with all of the deficiencies, there shall be no fees for the re-inspection.

In the event of continuing non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the FSF concerned for the first and all successive re-inspections. A first re-inspection shall be performed after a minimum of 10 calendar days have elapsed to allow for corrective action by the FSF to be completed.

- (h) Administrative order. Upon written request of a FSF, the City may enter into consent agreements, compliance agreements, assurances of voluntary compliance or other similar documents (each referred to as "administrative order") establishing an agreement with any person responsible for non-compliance. Such documents will include specific actions to be taken by the person to correct the non-compliance within a time period not to exceed 24 months, as specified by the document. Such administrative order shall be judicially enforceable. Failure to comply with the provisions of an administrative order shall constitute a violation of the City Code. An administrative order may include, but shall not be limited to, the following items:

- (1) Required corrective actions, including, but not limited to, submittal of records for interceptor maintenance, immediate pump-out of the grease interceptor, or establishment of an ongoing contract with a permitted grease hauler.
- (2) Requirements for submittal of plans for installation or upgrade of grease interceptors, including time frames for preparation of plans, acquisition of necessary equipment, initiation of construction (including time for permit approval, where required), completion of construction, and a date for achievement of final compliance with the provisions of the administrative order and of this division.

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**Sec. 52-126. - Grease hauler regulation program.**

- (a) Administration and permitting of grease haulers. Any person or business desirous of collecting, pumping or hauling grease interceptor wastes from businesses located within the municipal limits of Marco Island Utilities service territories shall be required to register with the City of Marco Island. The CMD shall approve, deny or approve with special conditions all applications for GHRs in accordance with the policies and regulations established in this division.

It shall be unlawful for any identified grease hauler to clean or pump out grease interceptors within the City limits without either a current GHR or a Collier County Pollution Control "grease waste hauler permit."

- (b) Application form. To obtain a GHR, a grease hauler shall submit a completed GHR application form together with \$25.00 fee to the City. The grease hauler shall be issued with a GHR within 30 working days of the City's receipt of the completed application form and appropriate fees. The grease hauler shall obtain the GHR prior to providing grease hauling services within the City's wastewater collection system service area.

Each application shall include the following information:

- (1) Name of applicant. If the applicant is a partnership, corporation or other business entity, the name of an individual who legally is able to act on behalf of the organization must be provided.
- (2) Applicant address and phone number, including information for person(s) to contact at times other than regular business hours.
- (3) The type, license, tag number, and capacity of each vehicle which will be used to pump or haul liquid wastes from grease interceptors. New or replacement tanker truck(s) acquired subsequent to the application shall be reported to the City prior to use.
- (4) Financial assurance in the amount of \$10,000.00 in a form acceptable to the City. Such assurance shall remain in effect for the life of the permit. This assurance shall be used to guarantee disposal costs, fines and the costs of any damages that may result from a grease hauler discharging in violation of this division.
- (5) A list of the disposal facilities that the applicant intends to use.

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- (6) A signed statement that the information provided is accurate and that the applicant agrees to abide by the regulations contained in this division, as well as any other applicable federal, state or local regulations governing their activities.
- (7) Any other information determined by the GMP to be necessary to evaluate the GHR application.
- (c) Grease Hauler Registration (GHR). Each GHR approved by the City shall be effective for a period of three years, and may include special conditions as required by the City. The GHR required by the City shall be in addition to any other permits, registrations, or occupational licenses which may be required by federal, state, and local agencies having lawful jurisdiction. The GHR is not transferable.
- (1) Permit contents. All approved GHRs shall include a statement of the duration of the permit, including the effective and expiration dates; identification of all approved vehicles and the liquid wastes which may be hauled by each; standard conditions relating to permit renewal and permit revision; a list of definitions; reporting requirements, spill procedures, and any other applicable special conditions. Special conditions may include, but are not limited to:
- a. A statement that: All grease interceptors shall initially be pumped completely empty. Excessive solids shall be scraped from the walls and baffles, and inlet, outlet and baffle ports shall be cleared. No grease or solids may be re-introduced into the interceptor.
  - b. A statement indicating that no grease or gray water will be accepted at any City-owned facility and that the registrant should contract with other private or public facilities to properly dispose of the grease and food solids.
  - c. A statement that the grease hauler is required to comply with all federal, state and local regulations concerning the pumping of grease interceptors and the hauling and disposal of their contents.
  - d. Any other statement or requirement that the City believes to be necessary to meet the intent of this division.
- (2) Registration renewal. An application for GHR renewal shall be submitted on the appropriate renewal form together with the renewal fee at least 60

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days prior to the expiration date of the existing GHR by each applicant wishing to provide grease hauling services to a permitted FSF located in Marco Island's wastewater collection service area.

- (d) Collier County Pollution Control "Grease Waste Hauler Permit." All grease haulers holding and maintaining a valid "grease waste hauler permit" issued by Collier County shall be required to obtain a GHR from the City. The City shall issue a GHR to provide grease hauling and interceptor pumping services within the Marco Island wastewater collection system service area to grease haulers holding Collier County permits. Grease haulers shall renew the Collier County permit if they wish to continue to operate in the City of Marco Island.
- (e) Grease haulers holding a permit from another county must have a current county permit from that county prior to obtaining a City of Marco Island GHR.
- (f) Spill reporting. Any accident, spill, or other discharge of grease or gray water which occurs within the City shall be reported to the City at 239-389-5000 or 239-394-3168 by the grease hauler immediately. A written report shall be required from the hauler within 48-hours to the Collections and Distribution Manager of Marco Island Utilities. The grease hauler shall comply with all procedures contained in federal, state and local regulations. The grease hauler shall be responsible for all clean-up procedures and costs.
- (g) Record keeping. Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and grease disposal from businesses located in the Marco Island wastewater collection service area. These records shall remain available for a period of at least three years. The failure to provide information to the City within ten days of a written request is a violation of this ordinance and may result in revocation of a permit. The City may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this division.
- (h) Vehicle inspection. Grease haulers shall permit the City to inspect grease hauler's registered vehicles to verify the displayed name and telephone number of the hauler, the Collier County Pollution Control permit number and the vehicle registration and tag number.
- (i) Disposal. The grease disposal haulers will be accountable for the proper disposal of the waste removed from the grease interceptor. The grease hauler is responsible to maintain a hauling manifest. The City will provide and make forms available to all registered grease haulers. All waste removed from each grease interceptor shall be disposed of at a facility permitted to receive such waste. Neither grease nor solid materials removed from interceptors shall be returned to

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any grease interceptor, private sewer line, or to any portion of the City's wastewater collection system or water reclamation facilities. A violation of this section shall result in an immediate revocation of the GHR in addition to any other enforcement action taken.

- (i) Removal from registered hauler list. Repeated failure of a registered hauler to submit reports in a timely manner or the repeated submission of incomplete reports will result in the removal of that hauler from the registered hauler list.

#### **Sec. 55-127. - Fees.**

- (a) Fees and billing. The fees provided for in this division are separate and distinct from all other fees chargeable by the City. All fees shall become immediately due and owing to the City upon receipt of invoice(s) for rendition of services or expenditure by the City and shall become delinquent if not fully paid within 30 days after receipt. Any delinquent amount shall be subject to a late charge of 15 percent.
- (b) Fees applicable to this division are as follows:
- (1) Pre-permit inspection fees. There is no charge for the initial pre-permit inspection and the second inspection if in compliance. A fee of \$250.00 shall be charged to a FSF if a third pre-permit inspection is required due to the FSF's failure to correct deficiencies. If a fourth or more inspections are required, a fee of \$500.00 per inspection shall be charged to the FSF for noncompliance. Fees will be added to the customer's water and sewer billing account. Such fee shall be in addition to any enforcement actions.
- (2) Inspection and non-compliance fees. There shall be no charge for periodic inspections conducted by GMP officials on FSFs with current GDPs. If a grease interceptor or trap has to be re-inspected because of deficiencies found during the previous inspection by the GMP official, and all of the deficiencies have been corrected, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first non-compliance fee of \$150.00 shall be charged to the FSF. If a second re-inspection is required a second non-compliance fee of \$250.00 shall be charged to the FSF if all of the deficiencies have not been corrected. If a third or more re-inspection is required a non-compliance fee of \$500.00 for each successive re-inspection shall be charged. All non-compliant fees shall be added to the FSF's water and sewer billing account. Other

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enforcement actions shall be pursued if all of the deficiencies have not been corrected.

- (3) Demand monitoring fees. Fees for any demand monitoring, sampling, and analysis of wastewater discharges deemed necessary for the protection of the RWPF shall be charged to the FSF at current Florida state registered laboratory fees and City of Marco Island administrative fees. All fees will be added to the water and sewer billing account.
- (4) Grease hauler registration fee. Each GHR application filed pursuant to this division shall be accompanied by an application fee of \$25.00
- (5) Fees, if any, for the GDP may be established by resolution.

#### **Sec. 52-128. - Appeal of permit denial or revocation.**

Any permit denial or revocation of a permit pursuant to this division may be appealed to the Special Magistrate of the City of Marco Island. The permit applicant or FSF owner shall have 30 days from the date of notification of the permit denial or revocation to submit a written request for a hearing. Failure to file an appeal constitutes acceptance of the decision to approve or deny the permit and any conditions thereof. The Magistrate shall conduct a public hearing and decide within 60 days from the receipt of the appeal, whether or not to grant the permit. The decision of the Magistrate shall be final. The Magistrate shall follow the same guidelines as established in the City Code with respect to permit issuance, and may impose reasonable conditions on any order granting the permit. In conducting a public hearing, the Magistrate may receive new evidence and shall not be bound by the technical rules of evidence.

#### **Sec. 52-129. - Legal proceedings.**

- (a) Search warrant. The CMD, through the City Attorney, may seek to obtain a search warrant from the appropriate authority to gain access to a FSF for the purposes of inspection and monitoring if such lawful entry under Section 52-125(a) of this division has previously been denied by the FSF.
- (b) Citation to County Court. Notwithstanding any of the above, the City Manager or designee may cite any user with a notice to appear in County Court for violation of any provision of this division under F.S. § 162 part II. A violation of any condition or requirement of a FSF or grease hauler permit, or failure to obtain such a permit shall be deemed to be a violation of this division.

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- (c) *Injunctive and other relief.* The City Council, through the City Attorney, may file a petition in the name of the City in the Circuit Court of the County or such other courts as may have jurisdiction seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this division or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the City as a result of any action or inaction of any person who causes or suffers damage to occur to the City's wastewater collection system, or for any other expense, loss or damage of any kind or nature suffered by the City.
- (d) *Criminal mischief.* No person shall maliciously, willfully or deliberately break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City sewer system or Water and Sewer Department. Any person violating this provision shall be subject to arrest under charge of destruction of public property in accordance with F.S. §806.13.
- (e) *Remedies nonexclusive.* The remedies provided for in the ordinance are not mutually exclusive. The City Manager or designee may take any, all, or any combination of these actions against a noncompliant business/person.

#### **Sec. 52-130. - Penalties.**

- (a) *Violations.* Any person who is found to have violated any provision of this division or any condition of a permit issued pursuant to this division, shall be, upon conviction, subject to a penalty in an amount not to exceed \$500.00 or by imprisonment for not more than ~~six months~~ sixty (60) days, or by both, for each offense as provided for in F.S. § 162.22. Each separate violation shall constitute a separate offense, and upon conviction of a specified ordinance violation, each day of violation shall constitute a separate violation. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this division 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 division, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be subject to a penalty in an amount not to exceed \$500.00 or by imprisonment for not more than ~~six months~~ sixty (60) days, or by both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

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**Sec. 52-131. - Administrative enforcement and abatement.**

(a) FSF enforcement. Enforcement actions against FSFs in violation of this division shall be as follows:

(1) Notice of non-compliance. A notice of non-compliance shall be issued to a FSF for any one or more of the following reasons:

- a. Failure to properly maintain the oil and grease interceptor or trap in accordance with the provisions of the oil/grease discharge certificate and this division.
- b. Failure to report significant changes in operations, or wastewater constituents and characteristics.
- c. Failure to maintain a file of records on-site at all times.
- d. Failure to maintain a record of pumping activities.
- e. Failure to provide logs, files, records, or access for inspection or monitoring activities.
- f. Failing to obtain or renew a GDP in a timely manner.
- g. Any other failure to comply with the requirements of this division or conditions of a permit, or failure to obtain a GDP as required by this division.

(2) Notice of non-compliance response. Any FSF issued an Notice of Non-compliance shall respond to the City in writing within ten calendar days of receipt of the Notice of Non-Compliance describing how the non-compliance will be corrected and what steps will be taken to prevent the re-occurrence of the non-compliance. Escalating enforcement procedures, demand monitoring and other penalties will be applied when continuing non-compliance is detected, including, but not limited to, revocation of the GDP, citation or notice to appear in County Court or before the Special Magistrate for violations of this division. If a FSF violates or continues to violate the provisions set forth in this division or fails to initiate/complete corrective action in response to a Notice of Non-Compliance, then the City may pursue one or more of the following options:

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a. Contract with a permitted grease hauler to pump the grease interceptor and bill the appropriate charge plus administrative fees to the FSF concerned.

b. Enter into an administrative order.

c. Revoke the GDP.

d. Citation or Notice to Appear in County Court.

e. Special Magistrate hearing.

f. Termination of water and/or sewer service.

(3) Permit revocation. Any GDP issued under the provisions of this division is subject to be modified, suspended or revoked in whole or in part during its term for cause shown including, but not limited to, any one of the following:

a. Falsification of any information submitted as part of the application for the GDP.

b. Failure to comply with any requirements or regulations concerning discharges to the City's wastewater collection system.

c. Failure to comply with any requirements or regulations concerning grease interceptors as provided for in Sections 52-122 through 52-130 (or any amendments thereto), of this division.

d. Failure to pay required fees, or any assessed surcharges in a timely manner.

e. Failure to attend required BMP training courses as itemized in subsection (3) above.

f. When necessary to protect the public health, safety and welfare in accordance with the terms set forth in Chapter 184 of the City Code.

(b) Grease hauler enforcement. Failure of any grease hauler to comply with the requirements of this division or with the provisions of any permit or approval granted or authorized under this division shall constitute a violation of this

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division. Violations of the provisions of this division shall be subject to, but not limited to, the following procedures:

- (1) Citation or Notice to Appear in County Court. A citation or notice to appear in County Court will be issued to any grease hauler which is found to be in non-compliance with the regulations and requirements of this division.
- (2) Permit revocation. Any GHR or notice of permission issued pursuant to the provisions of this program may be modified, suspended or revoked in whole or in part during its term for cause shown including, but not limited to, any one of the following:

  - a. Falsification of any information submitted as part of the application for the GHR.
  - b. Falsifying information regarding collection and disposal of wastewater.
  - c. Discharging any grease, liquid, or solid waste into a non-authorized location.
  - d. Failure to maintain financial assurance as required by Section 52 - 126 (b)(5) of this division.
  - e. Failure to comply with any other permit conditions.
- (c) Recovery of costs. When a discharge of waste causes an obstruction, damage or any other impairment to the City facilities, or any expense of whatever character or nature to the City, the CMD shall assess the expenses incurred by the City to clear the obstruction, repair damage to the facility, and any other expenses or damage of any kind or nature suffered by the City. The CMD shall file a claim with the user or any other person or entity causing such damages seeking reimbursement for any and all expenses or damages suffered by the City. If the claim is ignored or denied, the CMD shall notify the City Attorney to take such measures as shall be appropriate to recover any expense or to correct other damages suffered by the City.
- (d) Remedies nonexclusive. The remedies provided for in this division are not exclusive. The City may take any, all, or any combination of these actions against a person violating this division. Enforcement of violations will generally be in accordance with Section 52-129 of this division; however, the City may take other action against any person when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any person in violation of this division.

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**Sec. 52-132. - Reserved.**

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**SECTION 4. Codification.**

It is the intention of the City Council, and it is hereby ordained that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall constitute a new of the City of Marco Island Code of Ordinances, and that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word "Ordinance" may be changed to "Section, "Article" or other appropriate word.

**SECTION 5. Conflicts.**

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

**SECTION 6. Severability.**

If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences, or phrases portions of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

**SECTION 7. Effective Date.**

This Ordinance shall become effective immediately following its adoption by the City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 18<sup>th</sup> day of July 2016.

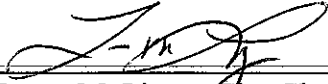
**CITY OF MARCO ISLAND FLORIDA**

By: Robert C Brown  
Robert Brown, Chairman

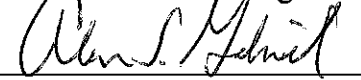
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Attest:

By:   
Laura M. Litzan, City Clerk

Approved as to form and legal sufficiency:

By:   
Alan L. Gabriel, City Attorney

