

ORDINANCE 19-\_\_

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE TITLE OF CHAPTER 64 “THE PORT ST. LUCIE WASTEWATER SYSTEM USER RULES”; AMENDING SECTION 64.09 “INTERCEPTORS”; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the Utility Systems Department must regulate the use of the City of Port St. Lucie, Florida’s (“City”) wastewater system to prevent pollutants from entering the system and interfering with its operation; and

**WHEREAS**, the City requires the installation of interceptors for certain establishments to prevent the discharge of liquid wastes containing grease, fats, oils, hair, lint, sand and other substances or materials that may be harmful to the operation and maintenance of the City’s wastewater facilities; and

**WHEREAS**, it is the desire of the City Council to amend the title of Chapter 64 “The Port St. Lucie Wastewater System User Rules” and section 64.09 “Interceptors” of the City’s Code of Ordinances (“Code”) to create consistency throughout the Code, reflect current industry standards, clarify provisions regarding violations, clearly define enforcement procedures and methods; and provide for variances;

**WHEREAS**, the City Council hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of the City.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

**Section 1. Ratification of Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

**Section 2.** The title of Chapter 64 “The Port St. Lucie Wastewater System User Rules” of Title VI “Public Utilities” of the Code is amended as follows:

**CHAPTER 64. - ~~THE PORT ST. LUCIE~~ WASTEWATER SYSTEM USER RULES**

**Section 3.** Section 64.09 “Interceptors” of Chapter 64 “Wastewater System User Rules” of Title VI “Public Utilities” of the Code is amended as follows:

~~Interceptors shall be provided when, in the opinion of the Utility Systems Director they are necessary to prevent the discharge of liquid wastes containing grease, fats, oils, hair, lint, sand and other substances or materials that may be harmful to the operation and maintenance of the City's~~

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~~wastewater facilities; except, that such interceptors shall not be required for a single family residence.~~

~~Separate plumbing shall be provided for the wastewater to be treated through an interceptor. All interceptors shall be of a type and capacity approved by the Utility and shall be located where it is readily and easily accessible for cleaning, inspection, maintenance or repair. When installed, all interceptors shall be maintained by the Applicant/Customer/User at no cost to the City, in compliance with this section at all times.~~

### ~~(a) General.~~

~~(a) Purpose.~~ The purpose of this section is to establish requirements governing the installation and use of grease, fats, oils, hair, lint, sand and other types of interceptors; regulate commercial, industrial, and institutional establishments that have the potential to cause operation and maintenance problems in the City's wastewater facilities; and provide for inspections, monitoring and enforcement procedures to ensure compliance with this section.

### ~~(b) Applicability.~~

~~(1) a. Food service, processing, and packaging establishments and/or facilities:~~ Interceptors are required for, but are not limited to, establishments meeting the definition of food service establishments and/or facilities~~that are partially or fully engaged in cooking, preparing, processing, packaging, or serving food or beverages and, by virtue of their services, discharge kitchen or food preparation wastewater.~~

~~(2) i. Limited food service establishments and/or facilities:~~ The Utility Systems Director or his/her designee shall be responsible for determining whether an interceptor is required for an establishment meeting the definition of Limited Food Service Establishments and/or Facilities. Such determination shall be on a case-by-case basis.

~~(3) b. Other facilities:~~ Interceptors are also required for a-laundries, vehicle washes, businesses providing services for the repair/maintenance of vehicles/mechanical equipment, veterinarians and other animal care facilities, barber shops, and beauty/hair salons.

~~(4) e.~~ Interceptors may also be required for other establishments based on the characteristics of the wastewater generated by the establishment and when, in the opinion of the Utility Systems Director or his/her designee, they are necessary to prevent the discharge of liquid

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wastes containing grease, fats, oils, hair, lint, sand and other substances or materials that may be harmful to the operation and maintenance of the city's wastewater facilities.

(c) General Provisions.

- ~~(1)d.~~ ~~The presence of an interceptor does not give authorization to deliberately dump or discharge liquid wastes containing grease, fats, oils, hair, lint, sand and other substances or materials into the site plumbing or into the City's wastewater systems that may be harmful to the operation and maintenance of the City's wastewater system. Separate plumbing shall be provided for the wastewater to be treated through an interceptor.~~
- (2) Liquid wastes containing grease, fats, oils, hair, lint, sand and other substances or materials that may be harmful to the operation and maintenance of the city's wastewater facilities and generated by an establishment subject to the provisions of this section shall be directed to the interceptor.
- (3) Discharge of wastes from toilets, urinals, washbasins, and other fixtures to sewer lines intended to service interceptors, or discharge of wastes from or which are required to be directed to interceptors to sewer lines intended to service toilets, urinals or washbasins, is prohibited.
- (4) All interceptors shall be located where it is readily and easily accessible for cleaning, inspection, maintenance or repair.
- ~~(5)e.~~ In all cases, the type and size of interceptor required shall be determined by the Utility Systems Director or his/her designee. Where applicable, interceptor sizing shall be in accordance with 64E-6 of the Florida Administrative Code and the Florida Building Code - Plumbing, as amended.

~~(e3) Existing facilities.~~

- ~~a. The City may require an existing establishment to install, operate and maintain a new interceptor, or to modify any non-compliant plumbing, or to repair/upgrade an existing interceptor, in compliance with this section. The property owner and/or the Applicant/Customer/User shall complete the required corrective actions within 90 days of written notification by the Utility when one or more of the following conditions exist:~~
- ~~i. The facility is found to be contributing fats, oil, grease or other harmful or hazardous substances in quantities sufficient to necessitate increased maintenance on the City's wastewater facilities.~~

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- ~~ii. The facility causes a negative impact on the operation of any of the City's wastewater facilities.~~
- ~~iii. The facility has an undersized, non-functioning or defective interceptor.~~
- ~~iv. The facility is expanded or remodeled such that it requires a permit to be issued by the City Building Department, or the St. Lucie County Building Department.~~

(d4) Grease, Sand/Oil Interceptor mMaintenance.

- (1) All interceptors shall be maintained by the user, at no cost to the city, in compliance with this section at all times.
- (2)a. All facilities regulated under this section are required to utilize a waste hauler authorized by the Florida Department of Health and/or St. Lucie County Florida Department of Environmental Protection to pump out an interceptor.
- (3)b. The Applicant/Customer/Uuser shall sign a service record provided by the waste hauler, verifying that the interceptor was serviced in accordance with the requirements of this section. The service record will also document the subject interceptor's condition.
- (4)e. Interceptor cleaning and maintenance shall include pumping the unit until empty, and cleaning the sidewalls, baffle walls, cross-pipes, inlet and outlet pipes. Should any damage occur as the result of cleaning and maintenance, such damage shall be immediately repaired at no cost to the City.
- (5) Interceptors shall be maintained in effective operating condition at all times. Each user shall be responsible for the cost and scheduling of all repairs to its interceptor(s). The city may require an establishment to install, operate and maintain a new interceptor; modify any non-compliant plumbing; or repair/upgrade an existing interceptor if the establishment has an undersized, non-functioning or defective interceptor.
- (6)d. The interceptor area shall be maintained free and clear of debris and stored material, and it shall be accessible to City personnel, agents, contractors or authorized designees at all times.
- (7)e. If multiple interceptors are installed, all units in the series must be pumped according to the maintenance schedule below.
- (8)f. Each establishment shall pump its interceptor at a minimum frequency of 2 times per calendar year. However, the facility may be required to pump out the interceptor at an

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additional frequency ~~according to the following criteria~~ if any of the following conditions exist:

~~ia. When~~ a. The floatable grease or oil layer exceeds 6" in depth, or;

~~ib. When~~ b. The solids layer at the bottom of the interceptor exceeds 8" in depth. The measurement point for determination of the grease and solids layer shall be adjacent to the outlet pipe.

c. The interceptor's floating grease layer combined with the bottom solids layer equals or exceeds 25 percent of the total volume of the device.

~~(9)g.~~ Decanting, back flushing or discharging of removed wastes back into the interceptor, from which the waste was removed for the purpose of reducing the volume to be hauled and disposed is prohibited.

(10) Skimming or removing only the top or bottom layers of water or waste and/or partial contents of the interceptor is prohibited.

~~(11)h.~~ Emulsifiers, grease cutters or other chemicals, which could cause grease to pass through the interceptor may not be used in the maintenance of any unit or its drain lines. Such additives shall include, but not be limited to, enzymes, or other additives designed to absorb, purge, treat or otherwise eliminate grease and oils.

~~(12)i.~~ When required by the ~~Utility~~, the ~~Applicant/Customer/User~~ shall establish an ongoing contract with an authorized waste hauler. A copy of the contract shall be provided to the ~~Utility~~ upon execution.

~~(e5)~~ *Waste disposal.*

~~(1)a.~~ Wastes removed by haulers from interceptors ~~may~~ must be disposed at private or public facilities permitted by the Florida Department of Environmental Protection (~~FDEP~~) or the Florida Department of Health (~~DOH~~) for treating or recycling the wastes.

~~(2)b.~~ Improper disposal of any waste intended which is required to be disposed of through an interceptor prior to entering any portion of the ~~C~~city's wastewater facilities shall constitute a violation and shall be prosecuted to the fullest extent of the law.

~~(3)e.~~ The waste hauler shall be responsible for all clean-up activities for any spill resulting from servicing the interceptor. Cleanup activities shall be performed in a manner approved by State and local agencies having jurisdiction.

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~~(4)d.~~ The waste hauler shall not dispose of grease or any other interceptor waste into any portion of the ~~C~~city's wastewater facilities.

~~(f6)~~ *Record keeping.* The ~~Applicant/Customer/U~~user subject to the requirements of this section shall maintain, and make available to ~~C~~city personnel for inspection and copying during reasonable hours, all records of information related to interceptor maintenance and waste disposal.

~~(1)a.~~ These records shall remain available for a period of at least 3 years from the date they are created.

~~(2)b.~~ The ~~Applicant/Customer/U~~user shall submit a copy of service records to the ~~U~~utility Systems Department within 10 days of service. ~~The records shall be submitted to the Utility by electronic or regular mail.~~

~~(g7)~~ *Enforcement.* ~~Nothing in this section shall limit the authority of the City to take enforcement actions.~~

(1) Any user found in violation of any provision of this section may be served with a written notice of violation by personal delivery by an authorized city employee or by registered or certified mail that states the nature of the violation and provides a reasonable time limit for satisfactory correction of the violation. The user shall permanently cease all violations within the time period specified in the notice.

(2) If a user continues to violate the provisions set forth in this section or fails to initiate/complete corrective action in response to a notice of violation the city may pursue one or more of the following options:

a. Pump the interceptor and place the appropriate charge on the monthly water/sewer bill.

b. Collect a sample and assess the appropriate surcharge(s) for compatible wastes in accordance with the provisions of section 64.04 of this Code.

c. Revoke the city's business tax receipt.

d. Terminate water and/or sewer service until the violations are remedied and any outstanding fees, penalties and other utility charges are paid.

(3) In addition to, or in lieu of, the notice and enforcement methods provided in this section, the city may enforce the provisions of this section by any, all, or any combination of means

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available to the city under this Code, state law or other applicable law, including but not limited to, Chapters 37 and 40 of this Code and Chapter 162, Florida Statutes, as amended.

(h) Variances.

- (1) Variances from the requirements of this section may be applied for by written application to the Utility Systems Director. A variance may be granted by the Utility Systems Director if strict application of this section would lead to unreasonable or unfair results, provided that the variance applicant demonstrates with particularity, and the Utility Systems Director finds, that compliance will result in substantial economic, health, or other hardship on the variance applicant.
- (2) An approved variance will be null and void if the user fails to adhere to any requirements set forth as a condition of the variance or the Utility System Director determines that the justification supporting the variance no longer exists. Variances are not transferable.

**Section 4. Conflict.** If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

**Section 5. Severability.** The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section 6. Codification.** The provisions of this Ordinance shall be made a part of the Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

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Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James D. Stokes, City Attorney