

ORDINANCE 2010 – 20

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, "UTILITIES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE II, "SANITARY SEWER SYSTEM," SECTION 20-19 "RATES AND CHARGES" TO ADOPT REVISIONS TO THE SCHEDULE OF RATES AND CHARGES FOR SANITARY SEWAGE COLLECTION, TRANSMISSION AND DISPOSAL SERVICE; AMENDING SECTION 20-22 "PROHIBITED DISCHARGES, PENALTY" TO SPECIFY ADDITIONAL MATERIALS THAT MAY NOT BE DISPOSED INTO THE SANITARY SEWER SYSTEM; CREATING SECTION 20-23 "DEFINITIONS" TO PROVIDE DEFINITIONS FOR ARTICLE II; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Town Commission has identified the need to amend its Code of Ordinances to increase the sanitary sewer rates that are charged to properties connected to the Town's sewer system, to fully cover the costs of collecting and treating sewage, provide for maintenance and improvements to the sewage collection system, and for other related purposes; and

WHEREAS, because all of the sewage collected by the Town is sent to the City of Pompano Beach for transmission to Broward County for treatment, the Town seeks to further amend its Code of Ordinances to incorporate relevant prohibitions and requirements for disposal of certain materials into the sewage system and relevant definitions; and

WHEREAS, the sewer rate increase shall be applied to consumption beginning in February 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing "Whereas" clauses are ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

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33 SECTION 2. Amending Section 20-19. Section 20-19 "Rates and Charges" of Article
34 II "Sanitary Sewer System" of Chapter 20 "Utilities" is hereby amended as follows:

35 Sec. 20-19. Rates and Charges.

36 (a) *Established.* There is hereby levied and established a schedule ~~or system~~ of rates
37 and charges for sanitary sewage disposal services against each and every person, firm,
38 partnership, corporation or other legal entity owning or using any buildings or structures in the
39 Town inhabited or used by human beings as a place of residence, business or otherwise.

40
41 (b) *Amounts of rates and charges.*

42 ~~Monthly base charge:~~

43 ~~All Single family and duplexes:~~

44 ~~All customers¹~~

45
46 (1) Monthly service charge per single-family unit \$7.60-14.89

47
48 ~~Multi-family and commercial:~~

49 ~~Meter Size~~

50 ~~5/8 x 3/4 7.60~~

51 ~~3/4" 19.00~~

52 ~~1.0" 38.00~~

53 ~~1.5" 60.00~~

54 ~~2.0" 121.60~~

55 ~~4.0" 190.00~~

56 ~~6.0" 265.00~~

57
58 (2) Monthly service charge per multi-family unit, including duplexes:.....\$14.26

59
60 (3) Monthly service charge per commercial structure: \$16.33

61
62 (4) Consumption rate charged per 1,000 gallons of water usage:

63
64 ~~All customer classes² 3.00~~ \$3.46

65 All residential units will not be charged a consumption rate for usage in excess of
66 10,000 gallons per month

67
68 1. ~~Includes 2,000 gallons per month~~

69 2. ~~Single family and duplexes capped at 12,000 gallons per month~~

70
71 SECTION 3. Amending Section 20-22. Section 20-22 "Prohibited discharges, penalty"
72 of Article II "Sanitary Sewer System" of Chapter 20 "Utilities" is hereby amended as follows:

73

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74 **Sec. 20-22. Prohibited discharges, penalty.**

75 (a) *Use prohibited.* It shall be unlawful for any person to discharge or cause to be
76 discharged into the sanitary sewerage system any of the following:

77
78 (1) Septic tank sludge or effluent from a tank truck into a street manhole or by direct
79 connection from a septic tank or drainfield to the sanitary sewerage system of the Town;

80
81 (2) Any flammable, explosive or combustible liquid, solid, or gas such as gasoline,
82 benzene, naphtha, fuel oil, oil, cleaning fluids or other materials of this nature;

83
84 (3) Any stormwater, surface water, ground water, roof runoff, subsurface drainage,
85 uncontaminated cooling water, or unpolluted industrial process waters to any sanitary
86 sewer;

87
88 (4) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in
89 sufficient quantity, either singly or by interaction with other wastes, to injure or interfere
90 with any wastewater treatment process, constitute a hazard to humans or animals, create a
91 public nuisance, or create any hazard in the receiving wastewater treatment plant,
92 including but not limited to cyanides in excess of 2 mg/l as CN (cyanide) in the wastes as
93 discharged to the city sewer;

94
95 (5) Any waters or wastes having a pH lower than 5.5, or having any other corrosive
96 property capable of causing damage or hazard to structures, equipment, or Town
97 personnel or contractors that work with the wastewater system;

98
99 (6) Solid or viscous substances in quantities or of a size capable of causing
100 obstruction to the flow in sewers or other interference with the proper operation of the
101 wastewater system such as, but not limited to, ashes, cinders, sand, mud, straw, wood or
102 metal shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole
103 blood, paunch manure, hair and flesh, entrails, and paper dishes, cups, milk containers,
104 and the like, either whole or ground by garbage grinders.

105 (b) No person shall discharge or cause to be discharged the following described
106 substances, materials, waters, or wastes if it appears likely in the opinion of the Director that the
107 wastes can harm either the wastewater system, wastewater treatment process, or equipment, have
108 an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property,
109 or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the
110 Director will give consideration to such factors as the quantities of subject wastes in relation to
111 flows and velocities in the wastewater system, materials of construction of the wastewater
112 system, nature of the wastewater treatment process, capacity of the wastewater treatment plant,
113 degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors.
114 Combined sewage systems are prohibited in the Town. The substances prohibited are as follows:

115 (1) Any liquid or vapor having a temperature higher than 150°F. or 65°C;

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116 (2) Any water or waste containing fats, wax, grease, or oil, whether emulsified or not,
117 in excess of 100 mg/l or containing substances which may solidify or become viscous at
118 temperatures between 32°F. and 150°F. (0°C. and 65°C.);

119 (3) Any garbage that has not been properly shredded;

120 (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated
121 plating solutions, whether neutralized or not;

122 (5) Any water or wastes containing iron, chromium, copper, zinc, and similar
123 objectionable or toxic substances, or wastes exerting an excessive chlorine requirement,
124 to a degree that any such material received in the composite wastewater at the wastewater
125 treatment works exceeds the limits established by the Director for these materials;

126 (6) Any waters or wastes containing phenols or other taste- or odor-producing
127 substances, in such concentrations exceeding limits established by the Director as
128 necessary, after treatment of the composite wastewater, to meet the requirements of the
129 state, federal, or other public agencies of jurisdiction for discharge to the receiving
130 waters;

131 (7) Any radioactive wastes or isotopes of half-life or concentration as may exceed
132 limits established by the Director in compliance with applicable state or federal
133 regulations;

134 (8) Any waters or wastes having a pH in excess of 9.5;

135 (9) Materials which exert or cause the following:

136 (aa) Unusual concentrations of inert suspended solids (such as, but not limited to,
137 Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not
138 limited to, sodium chloride and sodium sulfate);

139 (bb) Excessive discoloration (such as, but not limited to, dye wastes and vegetable
140 tanning solutions);

141 (cc) Unusual BOD, chemical oxygen demand, or chlorine requirements in such
142 quantities as to constitute a significant load on the wastewater treatment works; and

143 (10) Waters or wastes containing substances which are not amenable to treatment or
144 reduction by the wastewater treatment processes employed, or are amenable to treatment
145 only to the degree that the wastewater treatment plant effluent cannot meet the
146 requirements of other agencies having jurisdiction over discharge to the receiving waters.

147 ~~(b)(c)~~ The discharge of any of such foreign or prohibited matter in the manner stated in
148 this section or in any manner whatsoever shall constitute an offense and be punishable in the
149 manner set forth in section 1-12. A separate offense shall be deemed committed upon each

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150 occasion of such discharging of foreign or prohibited matter and upon each day during or on
151 which a violation occurs or continues.

152 (d) All flows shall comply with Broward County ordinances and Town pre-treatment
153 policies.

154 (e) If any waters or wastes are discharged, or are proposed to be discharged to the
155 Town wastewater system, which contain the substances or possess the characteristics enumerated
156 in this section and which, in the judgment of the Director, may have a deleterious effect upon the
157 wastewater system, processes, equipment, or receiving waters, or which otherwise create a
158 hazard to life or constitute a public nuisance, the Director may do any one or more of the
159 following:

160 (1) Reject the wastes;

161 (2) Require pretreatment to an acceptable condition for discharge to the Town
162 wastewater system;

163 (3) Require control over the quantities and rates of discharge;

164 (4) Require payment to cover the added cost of handling and treating the wastes not
165 covered by existing wastewater charges;

166 (5) If the Director permits the pretreatment or equalization of waste flows, the design
167 and installation of the plants and equipment shall be subject to the review and approval of
168 the Director, and subject to the requirements of all applicable codes, ordinances, and
169 laws.

170 (f) Grease, oil, and sand interceptors shall be provided by the property owner or lessee
171 when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes
172 containing grease in excessive amounts, or any flammable wastes, sand, or other harmful
173 ingredients. However, these interceptors shall not be required for private living quarters or
174 dwelling units. All interceptors shall be of a type and capacity approved by the Director, and be
175 located so as to be readily and easily accessible for cleaning and inspection.

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

179 (h) When required by the Director, the owner of any property serviced by a building
180 wastewater system carrying industrial wastes shall install a suitable control manhole, together
181 with the necessary meters and other appurtenances in the building wastewater system to facilitate
182 observation, sampling, and measurement of the wastes. The manhole, when required, shall be
183 accessibly and safely located, and shall be constructed in accordance with plans submitted to the
184 Town Engineer for review and approved by the Director. The manhole shall be installed by the

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185 owner at his or her expense, and shall be maintained by the owner so as to be safe and accessible
186 at all times.

187 (i) All measurements, tests, and analyses of the characteristics of waters and wastes to
188 which reference is made in this section shall be determined in accordance with the latest edition
189 of "Standard Methods for the Examination of Water and Wastewater," published by the
190 American Public Health Association, and shall be determined at the control manhole provided,
191 or upon suitable samples taken at the control manhole. In the event no special manhole has been
192 required, the control manhole shall be considered to be the nearest downstream manhole in the
193 Town's wastewater system to the point at which the building wastewater system is connected.
194 Sampling shall be carried out by customarily accepted methods to reflect the effect of
195 constituents upon the wastewater works and to determine the existence of hazards to life, limb,
196 and property. The particular analyses involved will determine whether a 24-hour composite of
197 all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.
198 BOD and suspended solid analyses may be obtained from 24-hour composites of all outfalls.
199 Levels of pH are determined from periodic grab samples.

200 **SECTION 4. Creating Section 20-23.** Section 20-23 "Definitions" of Article II
201 "Sanitary Sewer System" of Chapter 20 "Utilities" is hereby created as follows:

202 **Sec. 20-23. Definitions.**

203 (a) For the purpose of this article, the following definitions shall apply unless the context
204 clearly indicates or requires a different meaning:

205
206 BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the
207 biochemical oxidation of organic matter under standard laboratory procedure in five days
208 at 20°C expressed in milligrams per liter.

209
210 COMBINED SEWAGE. A combination of the water-carried wastes from residences,
211 business buildings, institutions, and industrial establishments, together with any ground,
212 surface, and storm waters as may be present.

213
214 DIRECTOR. The Director of Municipal Services or designee.

215
216 GARBAGE. Solid wastes from the domestic and commercial preparation, cooking, and
217 dispensing of food, and from the handling, storage, and sale of produce.

218
219 INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes,
220 trade, or business as distinct from sanitary wastewater.

221
222 LATERAL. The extension from the building infrastructure to the wastewater system or
223 other place of disposal.

224

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225 pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of
226 solution.

227
228 PRETREATMENT. Program that protects the city's wastewater collection system,
229 Broward County's treatment plant, as well as the environment, by preventing toxic
230 pollutants and dangerous substances from entering into the city sanitary wastewater
231 system.

232
233 PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and
234 dispensing of food that have been shredded to such a degree that all particles will be
235 carried freely under the flow conditions normally prevailing in Town sewers, with no
236 particle greater than ½ inch (1.27 centimeters) in any dimension.

237
238 SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and
239 ground waters are not intentionally admitted.

240
241 SEWER. A pipe or conduit for carrying wastewater.

242
243 STORMWATER. Run off resulting from precipitation.

244
245 SURFACE WATER. Water that remains on the surface of the ground, including rivers,
246 lakes, reservoirs, streams, wetlands, impoundments, seas and estuaries.

247
248 SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in
249 water, wastewater, or other liquids, and which are measured by laboratory filtering.

250
251 WASTEWATER. Water carried wastes from residences, business buildings, institutions
252 and industrial establishments.

253
254 WASTEWATER TREATMENT PLANT. The Broward County North Regional Plant
255 that treats the wastewater flows from the Town.

256
257 **SECTION 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance
258 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding
259 shall in no way affect the validity of the remaining portions of this Ordinance.

260 **SECTION 6. Conflicts.** All prior ordinances or resolutions or parts thereof in conflict
261 herewith are hereby repealed to the extent of such conflict.

262 **SECTION 7. Effective Date.** This Ordinance shall become effective in the sewer
263 billing cycle that starts in February 2011.

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264 Passed on the first reading, this ____ day of _____, 2010.

265

266 Passed and adopted on the second reading, this ____ day of _____, 2011.

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Mayor Roseann Minnet

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273

First Reading

Second Reading

274

275 Mayor Minnet

276 Vice-Mayor Dodd

277 Commissioner Clottey

278 Commissioner Sasser

279 Commissioner Vincent

280 Attest:

281

282 _____
Town Clerk, June White

283 (CORPORATE SEAL)

284

285 Approved as to form:

286

287

288 _____
Town Attorney, Susan L. Trevarthen