

CITY OF MARCO ISLAND

ORDINANCE 08-12

AN ORDINANCE TO AMEND SECTION 18-62, DIVISION 1, ARTICLE III, CHAPTER 18 TO ADD A DEFINITION OF "GREASE"; TO AMEND SECTION 18-89(1), DIVISION 3, ARTICLE III, CHAPTER 18 TO ADD THE WORDS "GREASE" AND "OIL"; TO CREATE SECTION 18-99 AND DIVISION 5 ENTITLED "GREASE DAMAGE PREVENTION REGULATIONS," IN ARTICLE III, CHAPTER 18 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES TO INCLUDE REGULATIONS REQUIRING THE USE OF GREASE TRAPS, INTERCEPTORS, AND SEPARATORS TO PREVENT DAMAGE TO THE CITY'S PUBLIC WASTEWATER SYSTEM; DELETING SECTION 6-74, ARTICLE III, OF CHAPTER 6 ENTITLED "BUILDINGS AND BUILDING REGULATIONS" IN ITS ENTIRETY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, evidence has been collected suggesting damage has occurred to the City of Marco Island's public wastewater system due to the failure of customers to use traps, interceptors, or separators to prevent the discharge of excessive grease and oil into the public wastewater system; and

WHEREAS, Section 1.01 of the Marco Island City Charter empowers the City to adopt, amend, or repeal its ordinances, resolutions, and codes as may be required for the benefit of the residents of the City of Marco Island; and

WHEREAS, the City of Marco Island desires to adopt regulations to prevent further damage to its public wastewater system by requiring the use of grease and oil traps, interceptors, and separators; and

WHEREAS, Section 6-74, Article III, Chapter 6 of the Code of Ordinances is outdated and is superseded by updated versions of the plumbing provisions of the Florida Building Code; and

WHEREAS, after having received input from and participation by interested members of the public, the Marco Island Restaurant Association, the Marco Island Chamber of Commerce and staff in the preparation of this ordinance, the City Council finds it is in the best interest of the residents of the City of Marco Island to adopt the ordinance contained herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

SECTION ONE: The above recitals are true and correct and are incorporated herein by this reference.

SECTION TWO: Section 18-62, Division 1, Article III, Chapter 18, is hereby amended to add a definition of the term "grease" as follows:

Grease means a material either liquid or solid, composed primarily of fat or oil from animal or vegetable sources and is synonymous for the intent of this ordinance with the terms fats, oils and grease.

SECTION THREE: Section 18-89(1), Division 3, Article III, Chapter 18 is hereby amended to read as follows:

Sec. 18-89. Authority to disconnect service.

The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when: (1) Acids, grease, oil, or chemicals damaging to the wastewater lines or treatment process are released into the wastewater causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;

SECTION FOUR: Section 18-99 entitled "Grease and Oil Damage Prevention Regulations" and Division 5 entitled "Grease and Oil Damage Prevention Regulations," are hereby created in Article III, Chapter 18, of the Marco Island City Code of Ordinances, to include the following regulations requiring the use of grease and oil interceptors, traps or separators:

Division 5. Grease Damage Prevention Regulations

Sec. 18-99. 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 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 and 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.

a. 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.

b. 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.

c. Cooking oil shall not be disposed of through the trap, interceptor, or separator.

d. An annual grease trap, interceptor or separator permit shall be obtained from the Building Inspections Division of the Community Development 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.

e. 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.

f. 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 of the Community Development Department, no later than December 31 of each year, at no charge.

g. 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 waste water system inside a building is prohibited.

h. 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 Sec. 18-88, including but not limited to recovery of the cost to repair any and all damage to the City's system..

SECTION FIVE: Section 6-74, Article III of Chapter 6 entitled "Buildings and Building Regulations" is hereby repealed in its entirety:

~~Sec. 6-74. Standard Plumbing Code adopted; amendments.~~

~~(a) Adoption. There is hereby adopted by reference the standard Plumbing Code, 1997 edition, including only appendices B, C, D, E, and R, as published by the Southern Building Code Congress International, Inc.~~

~~(b) Amendments. The Standard Plumbing code, 1997 edition, including appendices B, C, D, E, and F, adopted in this section, is hereby amended by local amendment as follows:~~

~~Chapter 1 is deleted in its entirety. Refer to the city's administrative construction code (article IV of this chapter). All references to chapter 1 of the Standard Mechanical Code shall be interpreted to mean the city's administrative construction code (article IV of this chapter)~~

~~Section 917.2 Installation, is amended by adding a new section 917.2 to read as follows:~~

~~917.2 Installation of air admittance valves. Air admittance valves locations shall be shown on the plans. All air admittance valve locations shall be clearly identified at the tub set inspection.~~

~~Section 1003, Interceptors and separators, is amended by adding a new section 1003.14 to read as follows:~~

~~1003.14. Interceptors, separators and backwater valves. Grease interceptors shall be designed in accordance with F.A.C. ch. IOD 6, and shall be installed in any commercial location where food is prepared. A 750 gallon interceptor is the minimum size allowable. No under cabinet grease interceptor will be accepted without written consent of the plumbing inspector, the building official and the utilities department.~~

SECTION SIX: Inclusion in the Code. It is the intention of the City Council and it is hereby ordained that the provisions of the Ordinance shall become and be made part of the Code of Ordinances of the City of Marco Island, Florida, and that the section of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

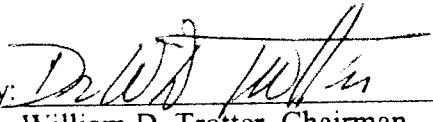
SECTION SEVEN: Conflict. All sections or parts of sections of the Marco Island City Code of Ordinances, all City of Marco Island resolutions or parts of resolutions made applicable by City Charter in conflict herewith are hereby repealed to the extent of such conflict.

SECTION EIGHT: Severability. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

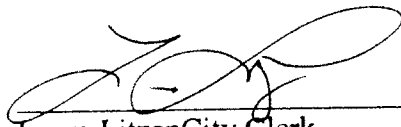
SECTION NINE: Effective date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED after two readings in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 6th day of October, 2008.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

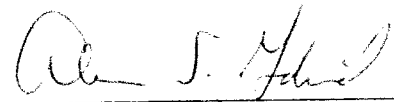
By: 
William D. Trotter, Chairman

ATTEST:



Laura Litzan City Clerk

Approved as to form and legality:



Alan L. Gabriel, Esq. City Attorney