

**CITY OF MARCO ISLAND  
ORDINANCE 11- 04**

**AN ORDINANCE TO AMEND SECTION 18-99, ENTITLED “GREASE DAMAGE PREVENTION REGULATIONS” IN ARTICLE III, CHAPTER 18 OF THE CITY OF MARCO ISLAND CODE OF ORDINANCES TO INCLUDE WITHIN ITS SCOPE CERTAIN NON-COMMERCIAL INSTITUTIONS, TO ESTABLISH A TIME PERIOD DURING EACH CALENDAR YEAR FOR PERMIT COMPLIANCE; 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 that 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 adopted Ordinance 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 and participation by interested members of the public, and staff in the preparation of this ordinance, the City Council finds that it is in the best interest of the residents of the City of Marco Island to modify the provisions of Sec 18-99 of the Code of Ordinances by adding certain institutions to the establishments subject to the provisions, and to further clarify the timing of the annual permitting process.

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 18-99 of Division 5 entitled “Grease and Oil Damage Prevention Regulations”, Article III, Chapter 18, of the Marco Island City Code of ordinances” is hereby amended as follows:

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 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 twenty persons or more at any one meal.

\*\*\*\*\*      \*\*\*\*\*      \*\*\*\*\*

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. Permits shall be secured between August 1 and November 1 each year. The annual inspection, as described in subparagraph (f), 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.

\*\*\*\*\*      \*\*\*\*\*      \*\*\*\*\*

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.~~

SECTION THREE: 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 re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

SECTION FOUR: 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 the City Charter in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FIVE: 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 remaining portions of this Ordinance.

SECTION SIX: 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 2<sup>nd</sup> day of May 2011.

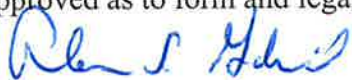
ATTEST:

  
\_\_\_\_\_  
Laura Litzan, City Clerk

MARCO ISLAND CITY COUNCIL  
MARCO ISLAND, FLORIDA

By:   
\_\_\_\_\_  
Gerard M. Gibson, Chairman

Approved as to form and legality:

  
\_\_\_\_\_  
Alan L. Gabriel, Esq., City Attorney