



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**12-2635**

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**TO:** Honorable Mayor & Members  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** December 18, 2012

**TITLE:** ORDINANCE – Introduce on second reading Code Amendment to the City’s Code of Ordinances’ Chapter 28, Water, Wastewater, and Stormwater, Sections 28-26 through 28-251- Sewers and Sewage Disposal.

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**Recommendation**

It is recommended that the City Commission approve on second reading an ordinance amending Chapter 28 of the City's Code of Ordinances, Water, Wastewater, and Stormwater, Sections 28-26 through 28-251, to comply with the revisions made by the Florida Department of Environmental Protection (FDEP) to Chapter VII of the Florida Administrative Code as it relates to Industrial Pretreatment Programs (IPP) and other updates to sewers and sewage disposal sections of the Code.

**Background**

At the Commission Meeting of December 4<sup>th</sup>, the City Commission approved on first reading the Code Amendment reference Commission Agenda Memo 12-2452. The purpose of these revisions to the Code is to implement the FDEP mandated compliance requirements for Industrial Pretreatment Programs (IPP). The revisions are based on recommendation from FDEP’s industrial pretreatment section using the state’s draft model ordinance update as well as the U.S. Environmental Protection Agency (EPA) Model Pretreatment Ordinance. The State enacted the changes to the sewer use ordinance in May, 2010 and in July, 2011 requested that municipalities comply with the new revisions. The City pursued the ordinance changes in line with the George T. Lohmeyer Regional Wastewater Treatment Plant State permit renewal process since part of the permit specifications required re-analysis of the priority pollutant list. That re-analysis was completed and accepted by FDEP in September, 2012. The State is now requesting implementation of the modified sewer use ordinance.

As part of the modifications, the State requires that the current fine for Industrial Pretreatment be modified. This fine is charged by the City to those who violate the sewer use ordinance. In addition, other sewer fines were reviewed during the evaluation process. The City’s fines were compared to those of other cities and counties and found to be significantly lower. As part of the proposed changes, the fines are being raised to be consistent with other municipalities.

Below are the current sewer fines enacted in 1977 and 1998 and the proposed fine increases:

Code Section	Code Section Description	Fine for Non-Conformance	
		Current Rate	Proposed Rate
28-27 (a)	Penalty of Non – Conformance -This subsection applies to residential and commercial service connections transporting only sanitary sewage. Any owner, architect, engineer, plumber, sewer contractor, foreman or employee who shall violate or assist in violating any provision of this article or who shall fail, neglect or refuse to comply with any and all provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed thirty (30) days, in the discretion of the judge of the county court	\$250	\$1,000
28-27 (c)	Penalty of Non – Conformance -This subsection applies to service connections from an establishment producing industrial wastes. Any architect, engineer, plumber, sewer contractor, foreman or employee who shall violate or assist in violating any provision of this article or who shall fail, neglect or refuse to comply with any and all provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed ten thousand dollars (\$10,000.00) or by imprisonment not to exceed sixty (60) days, in the discretion of the judge of the county court	\$2,500	\$10,000
28-31	Sanitary method of disposal of wastewater required. Every residence and building in which human beings reside or are employed or congregated shall be required to have a sanitary method of disposing of human wastewater, namely a sanitary water closet that is connected with the city sewer or an approved- type septic tank. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each such offense.	Not less than \$100.00 not more than \$250	Not less than \$250.00 not more than \$500
28-32 (a), (b), (c)	Septic Tanks - (a) No septic tank for sewage shall be constructed in any part of the city where a city sanitary sewer is accessible or available, nor shall it be lawful to continue use of a septic tank on any lot, piece or parcel of ground abutting on or contiguous to any city sanitary sewer for a period longer than ninety (90) days after sewers have been installed and placed into use. (b) Where a city sanitary sewer is not accessible or available, it shall be unlawful to construct a septic tank within the corporate limits of the city without first securing a permit from the city building department. A	Not less than \$100.00 not more than \$250	Not less than \$250.00 not more than \$500

	<p>plot plan of the property with shape, size, and description of the septic tank and drain field shall be submitted at the time of the application for such permit. Such plan shall be approved by the county health department.</p> <p>(c) Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each such offense.</p>		
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Lastly, the revisions are proposed based on current economic and business practice updates. The revisions to Chapter 28, in general:

- Bring the City’s sewers and sewage disposal section of ordinance into compliance with the EPA’s Streamlining Rule updates.
- Remove local limits, per FDEP recommendation, which has the advantage of allowing for revisions, as necessary, without having to go through the formal process of an ordinance change.
- Update the 1977 and 1998 fines structure to reflect current economics.
- Update the Regional Advisory Board membership requirements.
- Achieve editorial corrections for clarity and consistency in the City’s Code of Ordinance.

**Resource Impact**

There is a potential fiscal impact to the City if fines are levied. Parts of the revisions include increasing the fine structure for violations of the sewer ordinance.

**Attachment**

Exhibit 1 - Ordinance

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Prepared By: Julie Leonard, Deputy Public Works Director - Utilities  
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