

ORDINANCE NO. C-26-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 28 – WATER, WASTEWATER AND STORMWATER, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, BY AMENDING DEFINITIONS, PROVIDING CLARIFYING LANGUAGE TO DISTINGUISH PRIVATE SEWERS FROM PUBLIC SEWERS AND SERVICE LATERALS IN THE RIGHT-OF-WAY, ALONG WITH ADDING ENFORCEABLE REQUIREMENTS; REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale Code of Ordinances, Chapter 28 - Water, Wastewater, and Stormwater, Article II. - Sewers and Sewage Disposal requires updating to clarify ownership, maintenance, repair, installation and cost responsibility for sewer laterals and related sewer infrastructure; and

WHEREAS, these amendments establish core definitions and distinguish private sewers from public sewers and right-of-way service laterals; and

WHEREAS, the City is also establishing enforceable requirements such as mandatory connection to sanitary sewer when available, limits on continued septic use and maintenance and repair obligations, along with penalties for noncompliance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Chapter 28 – Water, Wastewater and Stormwater – Section 28.26. Definitions and Abbreviations, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

**Sec. 28-26. - Definitions and abbreviations.**

- (a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Act* or "*the act.*" The Federal Water Pollution Control Act, also known as the Clean Water Act, as existing or as amended from time to time, 33 USC 1251 et seq. (1987).
- (2) *Approval authority.* The Florida Department of Environmental Protection or its successor agencies.
- (3) *Authorized representative of the industrial user.* An authorized representative of an industrial user shall mean any of the following:
  - a. A responsible corporate officer, as defined in section 28-26, if the user is a corporation;
  - b. A general partner or proprietor, if the user is a partnership or sole proprietor, respectively;
  - c. A duly authorized representative of the individual designated in paragraph a and b above if:
    1. The authorization is made in writing by the individual designated in paragraph a and b above,
    2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, (such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility) or having overall responsibility for environmental matters for the company, and
    3. The written authorization is submitted to the city.
  - d. A duly authorized municipal official, if the user is a municipal department.
- (4) *Batch discharge.* A discharge from a holding tank to the sewer system after treatment at a noncontinuous or random frequency.
- (5) *Best Management Practices (BMPs).* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices

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implementing prohibitions listed in section 28-204 of this chapter. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

- (6) *BOD (denoting biochemical oxygen demand)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius (20° C), expressed in milligrams per liter.
- (7) *Building drain*. In plumbing, that part of the lowest horizontal piping of a drainage system that receives the discharge from waste, and other allowable drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the building wall.
- (8) *Building sewer*. In plumbing, the extension from the building drain to the public sewer up until the property line or other place of disposal and is also called "house connection," service connection," ~~service lateral~~ or "house sewer."
- (9) *Bypass*. The intentional diversion of wastewater streams from any portion of an industrial user's pretreatment facility.
- (10) C. Celsius degrees.
- (11) *Categorical Industrial User (CIU)*. A user subject to categorical pretreatment standards under Rule 62-625 F.A.C.
- (12) *Categorical pretreatment standard or categorical standard or National Categorical Pretreatment Standard*. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with the act which apply to existing or new industrial users in specific subcategories and which appear in F.A.C. ch. 62-625, as existing or as may be amended from time to time.
- (13) *City*. The City of Fort Lauderdale.
- (14) *COD (denoting chemical oxygen demand)*. A measure of the oxygen required to oxidize organic matter and oxidizable compounds in water, expressed in milligrams per liter (mg/l).

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- (15) *Combined wastestream formula (CWF)*. A procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream from an industrial user is combined with other allowable wastestreams prior to treatment or discharge as provided for in F.A.C. ch. 62-625, as existing or as may be amended from time to time.
- (16) *Completion date*. The date of completion of a new sanitary sewer collection system as certified by the city engineer.
- (17) *Connection fee*. The connection fee is a one-time, mandatory lump sum charge that represents a portion of the cost of the development of the sanitary sewer collection system attributable to a property and is required to be paid in order to connect to newly constructed sanitary sewer facilities constructed as part of WaterWorks 2011.
- (18) *Control manhole*. A structure that is accessible for the purpose of maintaining a building sewer. A control manhole may be used as an inspection chamber.
- (19) *Cooling water*. The water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD or suspended solids each in excess of ten (10) milligrams per liter by weight, or toxic substances as limited in this chapter or other polluting substances which may be limited in this chapter. No cooling water is permitted to be discharged to sanitary sewer without a variance.
- (20) *Customer or consumer*. An individual, corporation, partnership, firm or association furnished sewage disposal service by the city.
- (21) *Daily maximum*. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (22) *Daily maximum limit*. The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (23) *Developer*. Any individual, corporation, partnership, firm or association developing a property or properties for resale, rental or lease, at or to which sewage disposal

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service is to be rendered by the city, and who shall have the legal right to negotiate for such service. Where applicable, the word means any individual, corporation, partnership, firm or association applying for the extension of sewers or force mains in order to serve a certain property.

- (24) *Director*. The person designated by the city to head the department responsible for the operation of the wastewater treatment facilities or his or her duly authorized representative.
- (25) *Discharge*. The introduction of pollutants into a WWF from any source.
- (26) *Discharge of pollutant*. Any release of effluent which causes an impairment of water quality to a degree that has an adverse effect on the beneficial use of the water, or is in violation of federal, state or local regulations.
- (27) *Domestic user*. All users of sewage treatment facilities not classified as industrial users.
- (28) *Effluent*. Sewage, water or other allowed liquid, discharging from any treatment device or facilities.
- (29) *Environmental Protection Agency or EPA*. The United States Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.
- (30) *Equivalent residential connection (ERC)*. The factor used to calculate the connection fee to be charged to all properties.
- (31) *Existing source*. Any source of discharge that is not a new source.
- (32) *Force main*. A pressure sewer pipe line for the transmission of sewage. Such pipe cannot receive sewage, except under pressure by pumping.
- (33) *Garbage*. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food including, but not limited to, the handling, storage, and sale of produce.

- (34) *Grab sample*. An individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots, sample fractions, and all applicable field quality control samples collected at the same locations within a time not exceeding fifteen (15) minutes.
- (35) *Ground garbage*. Solid wastes from the preparation, cooking and dispensing of food that has been shredded or comminuted to such a degree that all particles will be carried freely in suspension in public sewers, with no particle greater than one-half (½) inch in any dimension.
- (36) *House sewer(s) or connection(s)*. A sewer which is owned and controlled by the private property owner. This includes plumbing within the structure, pipelines and appurtenances on private property. This house connection is responsibility of the property owner to construct and maintain.
- ~~(367)~~ *Indirect discharge or discharge*. The introduction of pollutants into the WWF from any source.
- ~~(378)~~ *Industrial cost recovery*. Recovery by the grantee of the grant amount allocable to the treatment and/or transmission of wastes from industrial users of a treatment works.
- ~~(389)~~ *Industrial user or user*. Any nondomestic user of the WWF identified in the Standard Industrial Classification Manual of the U.S. Office of Management and Budget, as existing or as may be amended and supplemented from time to time
- ~~(3940)~~ *Industrial waste*. Any liquid, solid or gaseous substance or form of energy or combination thereof resulting from any process of industrial, commercial, governmental and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources, or from sources identified in the Standard Industrial Classification Manual of the United States Office of Management and Budget, as existing or as amended (excluding well cooling water).
- ~~(401)~~ *Influent*. Sewage, raw or partly treated, flowing into any sewage treatment device pumping station or related facilities.

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- (412) *Inspection chamber*. An accessible structure through which sewage from a building sewer flows and from which samples of such sewage may be collected for the purpose of being tested.
- (423) *Instantaneous limit*. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (434) *Interceptor*. A large size gravity flow sewer or force main for the transmission of sewage which has been designed to receive sewage from one (1) or more collecting sewers or pumping stations.
- (445) *Interference*. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- a. Inhibits or disrupts the WWF, its treatment processes or operations or its domestic wastewater residuals processes, use or disposal; and
  - b. Is a cause of a violation of any requirement of the WWF permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the FDEP and F.S. Ch. 403.
- (456) *Laboratory determination*. The measurements, tests, and analyses of the characteristics of waters and wastes in accordance with the provisions of 40 CFR 136 — Guidelines Establishing Test Procedures for the Analysis of Pollutants, as existing or as may be amended from time to time.
- (467) *Local limit*. Specific discharge limits developed and enforced by the director upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 28-204 of Article V.
- (478) *Main sewer line*. The major gravity sewer line to which one (1) or more lateral sewers may be tributary.
- (489) *Medical waste*. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding or other

materials, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

(4950)*Meter measurement.* The act of or result of determining the quantity of water supplied or being discharged by a user and determined by an instrument or device used for such measurements and approved by the director.

(501)*Method detection limit.* An estimate of the minimum amount of a substance that an analyte process can reliably detect. An MDL is analyte- and matrix-specific and is laboratory dependent.

(542)*Monthly average.* The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

(523)*Monthly average limit.* The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

(534)*New source.*

- a. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under the act and F.A.C. ch. 62-625, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:
  1. The building, structure, facility or installation is constructed at a site at which no other source is located;
  2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  3. The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged

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in the same general type of activity as the existing source should be considered.

- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section 2 or 3 above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a new source, as defined in this article, has commenced if the owner or operator has begun, or caused to begin as part of a continuous onsite construction program any placement, assembly, or installation of facilities or equipment, or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

(545) *Noncontact cooling water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

(556) *Nonpolar oil and grease.* Oil and grease which originates from petroleum products including light hydrocarbons and heavy hydrocarbons such as, but not limited to, jet fuels, crude oils, diesel fuel, asphalt, lubricants and cutting fluids.

(567) *Non-significant Categorical Industrial User (NSCIU).* A user that discharges one hundred (100) gallons per day (gpd) or less of total categorical wastewater (excluding sanitary and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

- a. Has consistently complied with all applicable categorical pretreatment standards and requirements;

- b. Annually submits the certification statement required in section 28-232(b)(2), together with any additional information necessary to support the certification statement; and
- c. Never discharges any untreated categorical process wastewater.

~~(578)~~*Operation and maintenance.* The process and act of keeping all facilities for collecting, pumping, treating and disposing of sewage in normal operation and in a good state of repair, including the replacement of such facilities when necessary.

~~(589)~~*Pass through.* A discharge that exits the WWF in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's permit, (including an increase in the magnitude or duration of a violation).

~~(5960)~~*Permit.* An industrial waste discharge permit, including a no discharge permit issued to an industrial user by the city.

~~(601)~~*Person.* Any individual, partnership, co-partnership, firm, company, corporation, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

~~(642)~~*pH.* A measure of the acidity or alkalinity of a solution, expressed in standard units.

~~(623)~~*Plumbing.* All pipes, fittings, and appurtenances on the property owner's side of the property line or outside easement areas. This includes the property owner's extension from the sewer lateral up to and including the house plumbing.

~~(634)~~*Point source.* Any discernible, confined and discrete conveyance including but not limited to a pipe, ditch, channel, tunnel, conduit, well, discrete fissure container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

~~(645)~~*Polar oil and grease.* Oil and grease which originates from animals or vegetables and may include waxes, fatty acids, fats, oil and soaps.

~~(656)~~*Pollutant.* Any waste that exceeds the limits for acceptable discharge to the WWF including but not limited to the following wastes: dredged spoil, solid waste,

incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, dirt and industrial, municipal or agricultural waste or substance discharged into water.

~~(667)~~(670)*Pollution*. Any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

~~(678)~~(678)*ppm*. Part per million by weight, or milligrams per liter.

~~(689)~~(689)*Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the WWF. The reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes or by other means, except as prohibited by F.A.C. ch. 62-625.

~~(6970)~~(6970)*Pretreatment facilities*. Structures, devices or equipment for the purpose of removing deleterious wastes from sewage generated from a premise prior to its discharge into a public sewer.

~~(701)~~(701)*Pretreatment requirements*. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

~~(742)~~(742)*Pretreatment standard or standards*. Any regulation containing pollutant discharge limits to a WWF promulgated by the state, which applies to industrial users. This term includes prohibited discharge limits established in F.A.C. ch. 62-625.

~~(723)~~(723)*Prohibited discharge standards or prohibited discharges*. Absolute prohibitions against the discharge of certain substances, as set forth in section 28-204 of this chapter.

~~(734)~~(734)*Process wastewater*. Any water which, during manufacturing or processing comes into direct contact with or results from the production of or use of any raw material, intermediate product, byproduct, or waste product.

~~(745)~~(745)*Property owner*. The record title holder of a premise served or to be served with a sewer connection by the city.

~~(756)~~(756)*Public sewer.* A sewer which is owned or controlled by the city, or both. This includes all sewer pipelines and appurtenances within City owned property, the public right-of-way, or within a public utility easement, unless otherwise transfer through an agreement. The city is responsible for constructing and maintaining these facilities. Where a service lateral in the public right-of-way does not exist, the city will construct the service lateral, and cost will be passed to the owner as a service connection fee.

~~(767)~~(767)*Responsible corporate officer.*

- a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation.
- b. A manager, provided the manager:
  1. Is authorized to make management decisions governing the operation of the regulated facility including having duty of making major capital investment recommendations;
  2. Is authorized to initiate comprehensive measures to assure compliance with laws;
  3. Can ensure that necessary systems are established or actions taken to gather complete and accurate information of control mechanism requirements; and
  4. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

~~(778)~~(778)*Sample.* A representative part of a larger whole which can be presented as evidence of quality. Samples are recognized depending on the collection method as follows:

- a. *Grab sample.* An individual sample collected from a wastestream in less than fifteen (15) minutes without regard for flow or time.

- b. *Time proportional composite sample.* A sample consisting of a minimum of eight (8) equal volume, discrete sample aliquots collected at equal time intervals over the compositing period and combined to form a representative sample.
- c. *Flow proportional composite sample.* A sample consisting of a minimum of eight (8) discrete sample aliquots collected proportional to the flow rate of the liquid being sampled over the compositing period and combined to form a representative sample. Two (2) methods may be used to collect this type of sample. One (1) method collects equal volume aliquots at time intervals which vary based on the stream flow. The other method collects aliquots of varying volume, based on stream flow, at constant time intervals.

~~(789)~~ *Sanitary sewer.* A sewer which carries sewage (wastewater) and to which storm, surface, and ground waters are not intentionally admitted.

~~(7980)~~ *Sanitary sewer collection system.* The system of sanitary sewers, laterals and manholes intended for the provision of sanitary sewer service to a single area defined by specific geographic boundaries.

~~(801)~~ *Septic tank waste.* Any sewage contained in holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~(842)~~ *Service lateral.* A sewer connection extending from the collecting sewer in the street to a customer's property line or from the collecting sewer in an easement to the easement line, and the term is often referred to as a "house connection". This service lateral is the responsibility of the city as it is outside the property or private land.

~~(823)~~ *Severe property damage.* Substantial physical damage to property, damage to a user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

~~(834)~~ *Sewage.* A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such infiltration as may be present, and is often referred to as "wastewater."

- (~~845~~) *Sewage flow meter*. A device that measures and records the flow of sewage (wastewater). It may also measure the rate of flow.
- (~~856~~) *Sewer (also known as collection sewer)*. The gravity flow sloping pipe facility installed in public streets, rights-of-way, and easements for the collection of sewage.
- (~~867~~) *Sewer system of the city*. The sanitary sewer collection system within the corporate limits of the city.
- (~~878~~) *Sewerage system*. All facilities for collecting, pumping, transmission, treatment, and disposal of sewage.
- (~~889~~) *Significant industrial user (SIU)*. Except as provided in paragraphs c and d below, means the following:
- a. CIUs; and
  - b. Any other user that discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the WWF (excluding sanitary and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the WWF; or is designated as such by the director on the basis that the user has a reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement in accordance with paragraph 62-625 F.A.C.
  - c. The director may determine that a user subject to categorical pretreatment standards is a NSCIU in accordance with section 28-26(a).
  - d. Upon finding that a user meeting criteria in paragraph b above has no reasonable potential for adversely affecting the WWF's operation or for violating any pretreatment standard or requirement, the director may at any time, on its own initiative or in response to a petition received from a user, and in accordance with paragraph 62-625.500(2)(e), F.A.C., determine that such user is not an SIU.

- ~~(899)~~(90) *Sludge*. Accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.
- ~~(901)~~(90) *Slug discharge*. Any discharge of nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through or in any other way violate the WWF's regulations, local limits or permit conditions.
- ~~(912)~~(91) *Standard industrial classification code (SIC)*. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- ~~(923)~~(92) *Storm water*. Any flow occurring during or following rainfall resulting from such precipitation.
- ~~(934)~~(93) *Technical review criteria violations*. Violations defined as those which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable technical review criteria. The technical review criteria is 1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH.
- ~~(945)~~(94) *Testing*. The analysis of samples of sewage.
- ~~(956)~~(95) *Total suspended solids*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- ~~(967)~~(96) *Total toxic organics (TTO)*. The summation of all quantifiable values, greater than 0.01 mg/l, of toxic organic substances identified by the EPA for electroplating point source categories listed in 40 CFR 413.02(i) and for metal finishing subcategories listed in 40 CFR 433.11(e).
- ~~(978)~~(97) *Toxic substance*. Any substance, whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process or to constitute a hazard to human beings or

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animals or inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

~~(989)~~(99100) *Unpolluted water*. Water discharged in its original state or water discharged which, after use for any purpose, is at least equal chemically, physically, and biologically to the water from its original source, i.e., potable water, groundwater, river and canal water.

~~(99100)~~(1001) *Upset*. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user.

~~(1001)~~(1042) *User or industrial user*. Any person who directly or indirectly discharges, causes or permits the discharge of wastewater into the WWF.

~~(1042)~~(1023) *User charge*. Charges assigned to each user which defray a proportionate share of the cost of operation and maintenance of the sewerage system and is often referred to as “sewage disposal service charge.”

~~(1023)~~(1034) *Wastewater*. Liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the WWF.

~~(1034)~~(1045) *Wastewater rate (also known as sewer charge or user charge)*. The charge established for the collection, treatment and disposal of sewage (wastewater) based upon volume discharged into a sewer and a fixed charge based on meter size and customer costs.

~~(1045)~~(1056) *Wastewater facility or WWF*. Any facility which can reasonably be expected to be a source of water pollution and include any or all of the following: the collection/transmission system, the treatment plant, the reuse or disposal system, and/or the residuals management facility.

~~(1056)~~(1067) *Wastewater treatment plant or treatment plant*. That portion of the WWF which is designed to provide treatment of municipal sewage and industrial waste.

~~(1067)~~(1067) *WaterWorks 2011*. A ten-year program approved by the commission on December 10, 2002 for the implementation of water and wastewater capital improvements.

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(b) *Abbreviations.* The following abbreviations, when used in this chapter, shall have the following designated meanings:

BOD	Biochemical oxygen demand
BMP	Best management practice
BMR	Baseline monitoring report
CFR	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand
EPA	United States Environmental Protection Agency (federal)
ERC	Equivalent Residential Connection
F.A.C.	Florida Administrative Code
FDEP	Florida Department of Environmental Protection
F.S.	Florida Statutes
GPD	gallons per day
IWDP	Industrial waste discharge permit
IU	Industrial user
MDL	Method Detection Limit
MG/L	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant categorical industrial user
O & M	Operation and maintenance
RCRA	Resource Conservation and Recovery Act
SIC	Standard industrial classification
SIU	Significant industrial user
SNC	Significant noncompliance
TRC	Technical Review Criteria
TSS	Total suspended solids
TTO	Total toxic organics
USC	United States Code
WWF	City of Fort Lauderdale Wastewater Treatment Facilities

**Sec. 28-27. - Penalty for nonconformance.**

(a) This subsection applies to residential and commercial service connections transporting only sanitary sewage. Any owner, architect, engineer, plumber, sewer contractor, foreman

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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.

(b) This subsection applies to service connections from an establishment producing industrial wastes. Any corporation, customer, consumer, developer or industrial user 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, cease and desist discharging industrial waste to the city sewerage system until all provisions of this article are met, shall be liable for any damage to the city's sewerage system as a result of the industrial waste discharge produced by the establishment, and/or shall be imprisoned not to exceed sixty (60) days, in the discretion of the judge of the county court.

(c) 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.

#### **Sec. 28-28. - Control and supervision of wastewater division.**

The wastewater division collecting, treating and disposing wastewater in the city and the city's wastewater region shall be under the control and supervision of the director. The director reports directly to the city manager.

#### **Sec. 28-29. - Regional advisory board for the central wastewater region.**

(a) There is hereby established a regional advisory board (the board) for the central wastewater region, which region consists of several geographical areas centrally located within the county which are serviced by the George T. Lohmeyer Regional Wastewater Treatment Plant. Such areas lie within the boundaries of this city, the City of Oakland Park, the City of Wilton Manors, a portion of the City of Tamarac, a portion of the City of Davie, and the Port Everglades Authority. Each of those governmental entities are considered as large users of the treatment plant identified in this subsection. The board shall serve in an advisory capacity to the city commission and the central wastewater region and shall make

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recommendations to each regarding rates and modifications to wastewater facilities. The board shall also perform other duties and functions as may be assigned to it by provisions which appear in large user wastewater agreements executed between the city and other governmental agencies in the central wastewater region, including the agencies identified in this subsection.

- (b) The board shall be composed of representatives from each large user agency which receives wastewater transmission, treatment and disposal services from the city. There shall be one (1) voting representative appointed by each large user agency which is projected by the city to generate an average wastewater flow of one (1) to five (5) million gallons daily (MGD). Each such large user agency shall also be entitled to appoint one (1) additional voting representative for each five-million-gallon-daily increment projected by the city to be generated by the agency in excess of the basic five (5) MGD described above. Each large user agency which is projected by the city to generate an average wastewater flow of less than one (1) MGD shall be entitled to appoint one (1) ex officio nonvoting representative to serve on the board.
- (c) The city's representatives on the board shall consist of:
- (1) The director or his designee.
  - (2) A member of the city commission.
  - (3) A member of the city attorney's office.
  - (4) A member of the distribution and collection division.
  - (5) A member of the treatment division.
  - (6) A member of the finance department.
- (d) The director or his designee shall be the chairman of the board. The board shall meet quarterly on dates to be fixed by the director. All meetings of the board shall be open to the public. Minutes shall be taken at each meeting and shall be made available to the public by the city clerk's office. A board quorum shall consist of a majority of the number of representatives entitled to vote. All actions of the board shall be taken by an affirmative majority vote.

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- (e) The board shall recommend to the city commission the rates and other costs or fees to be charged to customers within the central wastewater region for each fiscal year. Any other matter related to the operations and functions of the central wastewater region may be agendaed for discussion at a board meeting by any representative.

**Sec. 28-30. - Provisions made part of contract for services.**

This article is hereby made a part of the contract between city *via* the wastewater division of the city's public works department and every water consumer of or applicant for wastewater collection from such department.

**Sec. 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.

**Sec. 28-32. - 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 development services department. A 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.
- (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.

**Sec. 28-33. - Connection to sanitary sewer required.**

- (a) Except as provided herein, every owner of a lot or parcel of property in the city which abuts upon any street or public way containing a sewer line, upon which lot or parcel of property a building shall have been constructed for residential, commercial or industrial use, must cause such building to be connected with the sanitary sewer system within ninety (90) days from the completion date as certified by the city engineer.
- (b) (1) Every owner of a lot or parcel of property in the area described below upon which lot or parcel of property a building shall have been constructed for residential, commercial or industrial use, must cause such building to be connected with the sanitary sewer system within sixty (60) days of the date that any one of the following events occur:
- (i) Transfer of fee simple ownership or lease of greater than fifty (50) years of the property on which a building is located which transfer or lease occurs after the completion date as defined in subsection (2);
  - (ii) A determination is made by the state department of health or any public authority with jurisdiction over waste disposal that hook up to the sanitary sewer system is required.
  - (iii) Any new construction which creates or increases floor area that is enclosed by building materials, screening or like materials and such area is usable for purposes other than a sole storage use. As an example, new construction which triggers the requirement for sewer connection shall include, but not be limited to, a screened-in porch or enclosed garage. It shall not include a carport or storage shed used solely for storage.
  - (iv) Alteration or new construction of a building which results in the enclosure of existing floor area, and such area is usable for purposes other than a sole storage use.
  - (v) A building is altered or rebuilt by more than twenty-five (25) percent of the total area of the building or twenty-five (25) percent of the building's replacement value.
  - (vi) A permit is required to be obtained in order to repair, relocate or replace part or all of an existing waste disposal system.
  - (vii) Nineteen (19) years and two hundred seventy-five (275) days after the assessment date, as defined in subsection (2), of the sanitary sewer system has passed.

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- (2) For purposes of this subsection (b), the “assessment date” as such term is used herein shall be the date a resolution is adopted by the city commission approving the final assessment roll and the special assessments for the installation of the sanitary sewer system in the Tarpon River Neighborhood. “Completion date” as such term is used herein shall be the date provided in a resolution adopted by the city commission when the installation of the sanitary sewer system in the Tarpon River Neighborhood is complete.
- (3) This subsection (b) of this section shall apply to the property within the Tarpon River Neighborhood, more particularly described as follows:

Parcels of land lying in section 10 of township 50 south, range 42 east described as follows:

Lots 1 through 9 of “Seawanna” according to the plat thereof recorded in plat book 7, page 37 of the public records of Broward County, Florida,

Together with;

Lots 10 through 42, block 35, and lots 37 through 60, block 63 of “Seawanna” according to the plat thereof recorded in plat book 3, page 25 of the public records of Broward County, Florida,

Together with;

Lot 3, less the east 25 feet thereof, lots 4 and 5, lots 7 through 42 inclusive; together with lots 43 and 44 less the east 125 feet thereof, of “resubdivision of block 36, Fort Lauderdale, Florida” according to the plat thereof recorded in plat book 2, page 11, of the public records of Broward County, Florida;

Together with;

Lot 4 of “Reichenbach's Subdivision” according to the plat thereof recorded in plat book 23, page 3 of the public records of Broward County, Florida,

Together with;

Lots 1 through 8 of block 48, and lots 4 through 12 of block 50, of "Town of Fort Lauderdale" according to the plat thereof recorded in plat book "b", page 40, of the public records of Dade County, Florida,

Together with;

Lots 4 through 48 of "Elva A. Truax subdivision of block 49 of Town of Fort Lauderdale" according to the plat thereof recorded in plat book 3, page 23 of the public records of Dade County, Florida,

Together with;

Lots 1 through 10 of block 1, and lots 1 through 8 of block 2 of "Seawanna Park" according to the plat thereof recorded in plat book 21, page 1 of the public records of Broward County, Florida,

Together with;

Lots 1 through 24, block 1 and lots 1 through 24, block 2 of "Pinewood Place" according to the plat thereof recorded in plat book 7, page 20 of the public records of Broward County, Florida,

Together with;

Lots 1 through 4 and lots 10 through 13 of block 1 and lot 13 of block 2 of "Alden's subdivision of lots 1 & 2 block 62 of the Town of Fort Lauderdale" according to the plat thereof recorded in plat book 2, page 26 of the public records of Broward County, Florida,

Together with;

Lots 12 through 21 of block "b" of "Fort Lauderdale Land & Development Company subdivision of lots 2 & 3, block 61 of the Town of Fort Lauderdale" according to the plat thereof recorded in plat book 1, page 57 of the public records of Dade County, Florida,

Together with;

Lots 27 through 35, block 11, lots 14, 15, 17, 19, 21, 23 and 25, block 10, lots 15, 17, 19, 21, 23, 25 and 27, block 9, lots 17, 19, 21, 23, 25, 27 and 29, block 8, lots 1, 3, 5,

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7, 9, 11, 13, 15, 17, 19, 21, 23, 24, 25, 27, 29, 31, 33, 35, 37, 39, 41 and 43, block 13, lots 3, 5, 7, 9, 11, 13, 15, 31, 33, 35, 37, 39, 41, 43 and 45, block 15, lots 1, 3, 5, 7, 9, 11, 13, 15, 17 and 29 through 37, block 18, lots 5, 7, 9, 11, 13, 15, 17, 19, 21 and 24 through 32, block 19, lots 4 through 8, block 20, lots 1 through 25, block 24 and lots 1 through 12 block 25 of "river section of Croissant Park" according to the plat thereof recorded in plat book 7, page 50 of the public records of Broward County, Florida,

Together with;

Lot 9, of "the resubdivision of a portion of block 20 of river section of Croissant Park" according to the plat thereof recorded in plat book 26, page 18 of the public records of Broward County, Florida, and

Together with;

Lots 1 through 5, block 11, lots 1 through 13 and 27 through 36, block 10, lots 5 through 12 and 28 through 35, block 9, lots 1 through 15 and 30 through 34, block 8, lots 1 through 6 and that portion of lots 7, 47 and 48 lying northeast of the Tarpon River, block 12, lots 1 through 46, block 14, lots 16,

Lot 3, less the east 25 feet thereof, lots 4 and 5, lots 7 through 42 inclusive; together with lots 43 and 44 less the east 125 feet thereof, of "resubdivision of block 36, Fort Lauderdale, Florida" according to the plat thereof recorded in plat book 2, page 11, of the public records of Broward County, Florida;

Together with;

Lot 4 of "Reichenbach's Subdivision" according to the plat thereof recorded in plat book 23, page 3 of the public records of Broward County, Florida,

Together with;

Lots 1 through 8 of block 48, and lots 4 through 12 of block 50, of "Town of Fort Lauderdale" according to the plat thereof recorded in plat book "b", page 40, of the public records of Dade County, Florida,

Together with;

Lots 4 through 48 of "Elva A. Truax subdivision of block 49 of Town of Fort Lauderdale" according to the plat thereof recorded in plat book 3, page 23 of the public records of Dade County, Florida,

Together with;

Lots 1 through 10 of block 1, and lots 1 through 8 of block 2 of "Seawanna Park" according to the plat thereof recorded in plat book 21, page 1 of the public records of Broward County, Florida,

Together with;

Lots 1 through 24, block 1 and lots 1 through 24, block 2 of "Pinewood Place" according to the plat thereof recorded in plat book 7, page 20 of the public records of Broward County, Florida,

Together with;

Lots 1 through 4 and lots 10 through 13 of block 1 and lot 13 of block 2 of "Alden's subdivision of lots 1 & 2 block 62 of the Town of Fort Lauderdale" according to the plat thereof recorded in plat book 2, page 26 of the public records of Broward County, Florida,

Together with;

Lots 12 through 21 of block "b" of "Fort Lauderdale Land & Development Company subdivision of lots 2 & 3, block 61 of the Town of Fort Lauderdale" according to the plat thereof recorded in plat book 1, page 57 of the public records of Dade County, Florida,

Together with;

Lots 27 through 35, block 11, lots 14, 15, 17, 19, 21, 23 and 25, block 10, lots 15, 17, 19, 21, 23, 25 and 27, block 9, lots 17, 19, 21, 23, 25, 27 and 29, block 8, lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 24, 25, 27, 29, 31, 33, 35, 37, 39, 41 and 43, block 13, lots 3, 5, 7, 9, 11, 13, 15, 31, 33, 35, 37, 39, 41, 43 and 45, block 15, lots 1, 3, 5, 7, 9, 11, 13, 15, 17 and 29 through 37, block 18, lots 5, 7, 9, 11, 13, 15, 17, 19, 21 and 24 through 32, block 19, lots 4 through 8, block 20, lots 1 through 25, block 24 and lots 1 through 12 block 25 of "river section of Croissant Park" according to the plat thereof recorded in plat book 7, page 50 of the public records of Broward County, Florida,

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Together with;

Lot 9, of “the resubdivision of a portion of block 20 of river section of Croissant Park” according to the plat thereof recorded in plat book 26, page 18 of the public records of Broward County, Florida, and

Together with;

Lots 1 through 5, block 11, lots 1 through 13 and 27 through 36, block 10, lots 5 through 12 and 28 through 35, block 9, lots 1 through 15 and 30 through 34, block 8, lots 1 through 6 and that portion of lots 7, 47 and 48 lying northeast of the Tarpon River, block 12, lots 1 through 46, block 14, lots 16 through 30, block 15, lots 1, 2 and 3, block 20, lots 1 through 4 and lots 33 through 37, block 19, lots 18 through 28, block 18, “Lauderdale”, according to the plat thereof recorded in plat book 2, page 9 of the public records of Dade County, Florida.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

**Sec. 28-34. - Use of other sanitary disposal prohibited after city sewer service available.**

All occupants of any building constructed for residential, commercial or industrial use and to which the sanitary sewer facilities of the city are available are prohibited from using any method other than the sanitary sewer system of the city for the disposal of sewage waste or other polluting matter.

**Sec. 28-35. - Correction of unsanitary condition of sanitary sewer facilities.**

- (a) The city shall, upon evidence of any improper operation or unsanitary condition of sanitary sewer facilities, immediately notify, in writing, the owner or agent of such premises wherein such conditions exist to correct such conditions within fifteen (15) days after receiving notice thereof. Any person failing to correct such unsanitary conditions or improper operations as instructed by the city within the fifteen-day period shall be in violation of this article and subject to prosecution hereunder.
  
- (b) In the event operating or unsanitary conditions create, in the opinion of the city, an emergency condition detrimental to the health, safety and welfare of the people of the city,

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the city may notify the owner or agent to correct the situation within a shorter period than fifteen (15) days, and such correction shall be made within such shorter period.

**Sec. 28-36. - Special assessment revolving fund.**

- (a) A special assessment revolving fund for a sanitary sewer is hereby created.
- (b) As the sanitary sewer system is extended within the corporate limits of the city, the total cost of installation of laterals, trunk lines, pumping stations and force mains, as well as the cost of increasing the capacity of any of the existing facilities, with the exception of the sewage treatment plant and outfall sewer, shall be advanced from the special assessment revolving fund created, and all special assessments received from the owners of the property especially benefitted thereby shall be deposited in such fund.

**Sec. 28-37. - Sewer maintenance.**

- (a) *Extent of city maintenance.* The city shall not be responsible for the repair and maintenance of house sewers ~~from the service connections~~ nor for privately owned pumping stations, force mains and sewers. The city shall be responsible only for the repair and maintenance of all public sewers, pumping stations, and force mains in the city's ~~systems~~ public right-of-way and shall make a diligent effort to inspect and keep these facilities in good repair.
- (b) *Customer's maintenance.* The customer shall be responsible for the maintenance of the plumbing ~~from the service connection at~~ from the house sewer into and including the house plumbing. The customer shall be responsible for keeping the house sewer, in addition to the plumbing, free from obstructions. The city shall have the right to inspect the service connection and plumbing and to discontinue water service to any customer or property owner who fails to maintain the plumbing to the extent that it may or does cause harm to the sewer facilities.
- (c) *Liability for clogged house sewer.* In the event of a clogged house sewer, the customer should obtain the services of a plumber. If the customer requests the public works department services to unclog a house sewer line and it is determined that the stoppage is located between the service connection and house plumbing, then the expense of uncovering the service cleanout and/or cleaning the house sewer line shall be borne by the customer. The public works department shall not be obliged to clean the house sewer line located on the customer's property. Should it be determined that the stoppage is

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located between the service connection and the city sanitary collection system, then no charge is made to the customer.

**Secs. 28-38—28-50. - Reserved.**

*DIVISION 2. - BUILDING SEWERS AND CONNECTIONS*

**Sec. 28-51. - Permit classifications, application.**

- (a) There shall be two (2) classes of building sewer permits for outside sanitary sewer service:
- (1) For residential and commercial service producing only sanitary sewage; and
  - (2) For service to establishments producing industrial wastes.
- (b) In either case, the owner or his agent shall make application on a special form furnished by the city. The building permit application shall be supplemented by any plans, specifications, or other information required by the city. A permit fee for either class of building sewer permit shall be paid by the owner or his agent in accordance with section 25-325(i) —Engineering Permit Fees.
- (c) There shall be two (2) classes of engineering permits for outside sanitary sewer services and wastewater infrastructure:
- (1) For residential and commercial service producing only sanitary sewage; and
  - (2) For service to establishments producing industrial wastes.
- (d) In either case, the owner or his agent shall make application on a special form furnished by the city. The engineering permit application shall be supplemented by any plans, specifications, cost estimates, and calculations signed, sealed and dated by a Florida registered professional engineer and other information required by the city. The applicant shall clearly identify engineering sewer costs and work to be performed. The engineer's cost estimate and construction contract shall include all costs associated with the work to include mobilization, maintenance of traffic, excavation, dewatering, construction backfill, compaction, testing and restoration.

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**Sec. 28-52. - Approval of plans.**

- (a) For residential and commercial sanitary sewer service, the property owner or agent shall provide scaled drawings, details and specifications, signed and sealed by a Florida registered professional engineer meeting development services department (DSD) and public works engineering division requirements and a stamp of approval will be placed on the plans and specifications therefor when deemed satisfactory and the building lateral and engineering sewer permits issued.
- (b) For establishments producing industrial wastes, a discharge permit must be secured from the director of public works or his designee. After the discharge permit is obtained, a stamp of approval will be placed on such plans and specifications when deemed satisfactory and the building lateral and engineering sewer permits issued.
- (c) Sewer manholes, gravity mains, lift stations, force mains and sewer laterals that connect to gravity mains require signed and sealed plans, details and specifications to be submitted by a Florida professional engineer meeting the development services department (DSD) and public works engineering division requirements and when deemed satisfactory an engineering permit issued.
- (d) No work of any kind or nature shall commence prior to the submission of plans and specifications and the securing of approval and the permit therefor.

**Sec. 28-53. - Work to be done by qualified licensee.**

- (a) The work of connecting building sewers to sanitary sewer laterals on private property in conformance with plans filed in accordance with the terms of this division must be performed by a duly licensed and certified plumber.
- (b) Installation of sewer manholes, gravity mains, lift stations, force mains and sewer laterals that connect to gravity mains on private property in conformance with plans filed in accordance with the terms of this division must be performed by a duly licensed and certified underground utility and excavation contractor, engineering contractor or general contractor.
- (c) All sanitary sewer work in the public right-of-way, private thoroughfares or utility easements in conformance with plans filed in accordance with the terms of this division must be

performed by a duly licensed and certified underground utility and excavation contractor or engineering contractor.

- (d) Asphalt pavement restoration shall be by a licensed engineering contractor or paving contractor licensed in Broward County, Florida.
- (e) These provisions shall apply to any and all districts or sections of the city at such times as they are provided with city sanitary sewers.

**Sec. 28-54. - Prerequisites for licensed plumbers and contractors performing sewer installations.**

- (a) It shall be required of every licensed plumber who seeks to perform sewer installation from the building sewer to the sanitary sewer laterals on private property to file and obtain a plumbing permit with the development services department (DSD) and provide a certificate of competency and insurance certificate.
- (b) It shall be required of every licensed underground utility and excavation contractor, engineering contractor or approved general contractor who seeks to perform installation of sewer manholes, gravity mains, lift stations, force mains and sewer laterals that connect to gravity mains to file and obtain an engineering permit with the development services department (DSD) and provide a certificate of competency and insurance certificate.

**Sec. 28-55. - Inspection by city.**

- (a) The applicant for a building sewer permit shall notify the development services department (DSD) when the building sewer is ready for inspection and connection to the sanitary sewer lateral. The connection shall be made under the supervision of the plumbing inspector.
- (b) The connection of the building sewer to the sanitary sewer system shall conform to the requirements of the development services department (DSD) and public works engineering division and other applicable rules and regulations of the city. All such connections shall be made gastight, watertight, and rootproof. Any deviation from the prescribed procedures and materials must be approved by development services department (DSD) and public works engineering division before installation. Installation of sanitary sewers and laterals in public rights-of-way, private thoroughfares, and utility easements and installation of sewer manholes, gravity mains, lift stations, force mains and sewer laterals connecting to

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gravity sewer mains requires the inspection and approval of the public works director or his designee.

**Sec. 28-56. - Maintenance by property owner.**

It is the property owner's responsibility to maintain their sanitary sewer service ~~upon and from~~ on their property to the city ~~main~~ sewer lateral in the adjacent public right-of-way.

**Sec. 28-57. - Location of service connection.**

In addition to the permits required by this division, the applicant shall locate the service connection in the sewer nearest to the desired point of connection.

**Sec. 28-58. - Making connections to sewers.**

- (a) House and business sewers from buildings shall be connected to the public sewers only at such service connections as may be designated in the building or engineering permit. No person other than designated city employees shall authorize tap, cut into, or break open or connection to any main sewer other than the service connection provided ~~therefor~~.
- (b) All connections of the building sewers to public sewers shall be made by using materials approved by the city with a six-inch cleanout extended to grade and a threaded cleanout plug located within three (3) feet of the property line. ~~The owner shall supply the approved materials and perform the construction of their sewer lateral and cleanout.~~ All cleanouts in paved areas shall be protected by an approved H-20 traffic rated cleanout "traffic cover".
- (c) Should an additional service connection be required and should such requirement necessitate a tap, cut-in or insertion into the main sewer, such tap, cut-in, connection, or insertion shall be made ~~only by a licensed Florida State Underground Utility and Excavation Contractor or a Broward County Florida Engineering Contractor. All permits shall be obtained and service charges paid in fully before the lateral is installed~~ by the City for the service connection fee paid to the City by the property owner.
- (d) The property owner shall be responsible for procuring the services of a Florida licensed professional engineer, providing plans, specifications and details, obtaining plumbing and engineering permits, paying permit fees and hiring a plumber, approved contractor and underground utility and excavation contractor to perform the work to construct building

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~~sewers, sanitary sewer systems and any right of way, swale, stormwater, roadway, utility and sidewalk restoration and repairs.~~

**Sec. 28-59. - Connections to existing building sewers.**

Where connections are to be made to existing building sewers, such building sewers shall be carefully examined by televising equipment and inspected and certified by a licensed plumber in the State of Florida. Any plumber performing the required inspections shall be experienced in NASSCO standards for content and terminology. CCTV survey files shall be provided in PACP file format. The inspection report and CCTV video must be supplied to the city's development services department (DSD) and the ~~public works~~ utility services department prior to issuance of a building permit. If the existing service lateral is found in good condition and free from infiltration, it may be connected to the main sewer from the building. If, however, in the judgment of the city, the existing building sewer is not in good condition or free from infiltration, it shall be replaced. Such replacement shall be carried out under an approved permit before connection is made.

**Secs. 28-60—28-75. - Reserved.**

*DIVISION 3. RATES AND CHARGES<sup>1</sup>*

**Sec. 28-76. - Wastewater user rates.**

- (a) There is hereby established and levied a schedule or system of wastewater user rates and charges for wastewater disposal service against each and every person owning or using any buildings in the city or outside the city, inhabited or used by human beings as a place of residence, business or otherwise, that shall be connected with or available for connection with any line of the sanitary sewerage system.
- (b) The following schedule of rates and charges shall be imposed for consumers located within the corporate limits that are supplied water by the city and are either receiving wastewater disposal service or have it available for connection from their property to the city sanitary sewer system.
  - (1) A fixed monthly charge per water meter supplied by a connection service to a single-family residence, multifamily residential dwelling unit, cooperative or condominium apartment, commercial, industrial, institutional, or similar unit, building or complex and

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<sup>1</sup>Cross reference(s)—Fee for furnishing information about unpaid utility bill, § 2-150.  
State law reference(s)—User fees authorized, F.S. § 166.201.

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each separate municipal or other governmental agency or special type unit, shall be as follows:

<b>Meter Sizes</b>		<b>Wastewater Fixed Monthly Charges 28-76(b)(1)</b>	
<b>(inches)</b>	<b>Effective 10/1/2023</b>	On 10/1/2024, and 10/1/2025 charges shall be adjusted by increasing the prior year's charge by 9%, and on October 1 of each year thereafter, charges shall be adjusted by increasing the prior year's charge by 5%.	
5/8	\$15.14		
3/4	\$21.12		
1	\$33.10		
1 1/2	\$63.01		
2	\$98.92		
3	\$212.62		
4	\$362.20		
6	\$810.99		
8	\$960.58		
10	\$2,516.40		
12	\$3,174.65		
16	\$3,656.54		

(2) Single-family residences, and multifamily residential dwelling units that have separately metered units, shall be charged a wastewater commodity charge for each one thousand (1,000) gallons or fraction thereof of water consumed per unit as follows:

<b>Wastewater Commodity Charges 28-76(b)(2)</b>			
<b>Ranges</b>	<b>Water (per unit)</b>	<b>Wastewater Monthly Usage Charges - Single-Family Residences</b>	
	<b>(1,000 gallons per month x number of dwelling units)</b>	<b>Effective 10/1/2023</b>	On 10/1/2024, and 10/1/2025 charges shall be adjusted by increasing the prior year's charge by 9% and on October 1 of each year thereafter, charges shall be adjusted by increasing the prior year's charge by 5%.
Tier 1	0—3,000	\$5.55	
Tier 2	>3,000	\$12.27	

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- (3) Multifamily residential dwelling units that do not have separately metered units, shall be charged a wastewater commodity charge for each one thousand (1,000) gallons or fraction thereof of water consumed per unit as follows:

<b>Wastewater Commodity Charges - Multifamily Residential Dwelling Units 28-76(b)(3)</b>			
<b>Tier Ranges</b>	<b>Water (per unit)</b>	<b>Wastewater Monthly Usage Charges</b>	
	<b>(1,000 gallons per month x number of dwelling units x .55)</b>	<b>Effective 10/1/2023</b>	On 10/1/2024, and 10/1/2025 charges shall be adjusted by increasing the prior year's charge by 9% and on October 1 of each year thereafter, charges shall be adjusted by increasing the prior year's charge by 5%.
Tier 1	3,000	\$5.55	
Tier 2	>3,000	\$12.27	

- (4) The commodity charge for all other consumers for each one thousand (1,000) gallons or fraction thereof of water consumed shall be as follows:

<b>Wastewater Commodity Charges - Commercial 28-76(b)(4)</b>		
	<b>Effective 10/1/2023</b>	On 10/1/2024, and 10/1/2025 charges shall be adjusted by increasing the prior year's charge by 9% and on October 1 of each year thereafter, charges shall be adjusted by increasing the prior year's charge by 5%.
All Usage	\$9.86	

- (5) Except as provided herein, for properties required to connect to new sanitary sewer collection facilities constructed under WaterWorks 2011, in addition to the other rates and charges provided herein, the following schedule or rates and charges shall be imposed:

- a. Every owner of property required to connect to the sanitary sewer system subsequent to completion of construction of sewer facilities under Waterworks 2011 shall pay a connection fee of one thousand dollars (\$1,000.00) per ERC as determined for the present use of the property.

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- b. The connection fee for residential properties is based upon theoretical flow projections. A standard single-family detached home is expected to contribute flows to the system based upon an estimated maximum daily water usage of three hundred (300) gallons per day (GPD), and shall be charged one (1) ERC with an associated connection fee of one thousand dollars (\$1,000.00). A two-family dwelling, duplex or triplex shall be charged one (1) ERC per dwelling unit, with associated connection fees of two thousand dollars (\$2,000.00) and three thousand dollars (\$3,000.00) respectively. The connection fee for multi-family residential properties with more than three (3) dwelling units will be on 0.805 per ERC per dwelling unit, with associated connection fees computed as follows -  $(0.805 \text{ per Dwelling Unit}) \times (\text{Number of Dwelling Units}) \times (\$1,000.00)$ .
- c. The connection fee for nonresidential properties shall be based upon each customers' actual water usage for the preceding thirty-six (36) months where available, and if it is determined that it is a reasonable basis of estimating current water use. The associated connection fee for a nonresidential property with available water use records will be based upon the highest three (3) individual months consumption out of the preceding thirty-six (36) consecutive months computed as follows —  $(\text{average daily consumption of the highest three (3) individual months for the property in GPD}) \div (300) \times (\$1,000.00)$ .
- d. The connection fee for nonresidential properties where records of past water usage are not available or are not a reasonable basis for estimating current water use shall be based on flow projections and in accordance with the provisions contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" as amended from time to time. The associated connection fee for a nonresidential property without adequate water use records will utilize the promulgated ERC factor times  $(\$1,000.00/\text{ERC})$ .
- e. The basis of these determinations are contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the public works department and adopted by resolution of the city commission.
- f. A property owner who is also the occupant ("owner-occupant") of a residential single family, duplex, triplex or other residential property, as defined by Chapter 47 of the Code of Ordinances, has the option to pay the connection fee under this subsection (5) prior to expiration of the time required for connection as provided in section 28-33 or may finance the connection fee, over a period of five (5) years at an annual

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interest rate of six (6) percent compounded monthly. An owner-occupant of a residential property that is more than one (1) dwelling unit may only finance a pro-rata share of the connection fee representative of the number of dwelling units occupied by the owner. A property owner electing to finance the connection fee or portion thereof will repay the fee as part of the regular utility bill and will be subject to collection actions authorized by Code or Florida Statute. Those property owners' homes will be subject to a "voluntary lien," which must be paid in full prior to transfer or sale of property to another owner. Owner-occupants who elect to finance the connection fee pursuant to this subsection (5), shall be required to execute a promissory note secured by a lien on the property prior to connecting to the system or within ninety (90) days from the completion date, whichever comes first. An owner who does not make payments as provided in the promissory note shall pay a penalty for each month the payment is not made.

- g. Every owner of a lot or parcel of property in the Riverland Annexed Area described herein shall be deemed to have paid the equivalent of the connection fee as an equivalent fee has been paid to the city by Broward County pursuant to that interlocal agreement between Broward County and the city and dated December 3, 2002. The legal description of the Riverland Annexed Area is described in Chapter 2001-322, Laws of Florida; said annexation taking effect on September 15, 2003. All other fees shall be paid in accordance with City Code.
- h. Every owner of a lot or parcel of property in the Twin Lakes North Annexed Area described herein shall be deemed to have paid the equivalent of the Connection Fee as an equivalent fee has been paid to the city by Broward County pursuant to that Interlocal Agreement between Broward County and the City in effect on September 14, 2005. The legal description of the Twin Lakes North Annexed Area is described in Chapter 2004-442, Laws of Florida. All other fees shall be paid in accordance with City Code.
- i. In addition to the connection fee, a ten (10) percent surcharge shall be added to the wastewater user charges imposed under this section 28-76. This surcharge shall continue for a period of twenty (20) years from the date a property is required to connect with the sanitary sewer system as provided in section 28-33(a) and shall continue to be charged to customers of a particular property regardless of the name on the customers account.

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- j. The city manager or his or her designee shall have the authority at any time, upon his or her initiative or in response to a properly filed petition from the property owner, to change the ERC for a property based on the presentation of competent and substantial evidence, and/or correct any error in applying or calculating the ERC for a particular lot or parcel of property. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the connection fees imposed under this subsection (5). All requests from affected property owners for any such changes shall be referred to, and processed by the city manager or designee.
- k. The connection fees collected by the city as provided in this subsection (5) shall be set apart and separately accounted for and used only for costs associated with the new sanitary sewer collection facilities constructed under Waterworks 2011.

(6) Sewer Service Connection Fee. Consumers requesting a new or relocated sewer lateral shall pay the City the cost of adding the new lateral.

- (c) Consumers receiving water and wastewater service outside the corporate limits as described in paragraph (b)(2) shall be charged at a rate twenty-five (25) percent higher than the rate charged for like service and quantity of water used by consumers within the city limits.
- (d) Consumers within the corporate limits who dispose of wastewater through the city's wastewater disposal system and are supplied with water from sources public or private, other than the city water system, shall be charged a commodity charge for each one thousand (1,000) gallons of wastewater discharged or fraction thereof. The commodity charge shall be levied in accordance with section 28-76(b)(4). The customer shall install at his own expense and subject to approval by the city a specially designed and constructed sewage meter for accurately measuring all sewage and wastewater discharged from the premises. A customer may install on the water line from private or public sources, other than the city system, at his own expense and subject to the approval and inspection of the city, a meter to measure the water consumption. The water meter may be used to calculate the commodity charge if the public works director or his designee determines that the water consumption is equivalent to the wastewater discharge. In addition to the commodity charge, the customer shall pay a monthly fixed charge based upon the equivalent water meter size. The equivalent water meter size shall be determined by the public works director or his designee.

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- (e) Customers receiving wastewater service outside the corporate limits as described in subsection (d) above shall be charged at a rate twenty-five (25) percent higher than the rate charged for like service by customers within the city limits.
- (f) The city has established limitations on the wastewater strength characteristics discharged into the city's sewerage system which consists of either a five-day BOD concentration of mg/liter or a suspended solids concentration of mg/liter or both. In the event an industrial user exceeds these limits for wastewater as determined by monitoring the utility's effluent at the point of connection, the commodity charge(s) shall be multiplied by the following projected factor:
- (1) In the event that only the BOD<sub>5</sub> limit is exceeded:  $[0.7 + 0.00075 \times (\text{concentration of BOD in mg/liter})]$
  - (2) In the event that only the SS is exceeded:  $[0.7 + 0.00075 \times (\text{concentration of SS in mg/liter})]$
  - (3) In the event that both SS and BOD are exceeded:  $[0.4 + 0.00075 \times (\text{concentration of BOD in mg/liter}) + 0.00075 \times (\text{concentration of SS in mg/liter})]$ .
- (g) Should water consumption be recorded by an accurate meter for a customer whose account shows no prior history of such high water consumption and is not the result of a leak, the finance director or designee may grant a one (1)-time billing adjustment to the customer for the overage above the twelve (12)-month average at the lowest tiered rate, for a maximum of two (2) months. This one (1)-time credit is for the life of the account at the location for which such a credit is granted.
- (1) In order to be considered for the one (1)-time billing adjustment, the customer must submit the adjustment application and supporting documents, including evidence of no leak and a meter test request form to the Utility Billing and Collections Division within sixty (60) days of the date of the bill indicating high usage.
- (h) Should excessive water consumption be recorded by an accurate meter as the result of an identified leak, the finance director or designee, upon receipt of the supporting documentation of the repaired leak, may adjust the overage above the twelve (12)-month average to the lowest-tiered rate, for a maximum period of two (2) months. To be considered for such an adjustment, the consumer's account must have monthly usage exceeding two (2)-times its average monthly usage for the previous twelve (12) months

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and the consumer must submit the adjustment application to the Utility Billing and Collections division within sixty (60) days of the date of the bill in question.

- (i) When a signed statement by a contractor having a valid business tax receipt or property owner giving the dimensions and gallonage of a pool is filed with the city, reduction of sewerage charges attributable to the filling of the pool is authorized providing more than seventy-five (75) percent of the water is replaced.
- (j) To recover a portion of the costs the city incurs to maintain a readiness to serve properties that at one (1) time had active utility service but are currently inactive, on or after August 1, 2009 a service availability charge for both water and sewer will be billed to the property owner upon discontinuance of service.

(1) The service availability charges will remain in effect until an active account is re-established to the property. Service availability charges shall be:

<b>Meter Sizes</b>		<b>Wastewater Service Availability Monthly Charges 28-76(j)(1)</b>	
<b>(inches)</b>	<b>Effective 10/1/2023</b>	On 10/1/2024, and 10/1/2025 charges shall be adjusted by increasing the prior year's charge by 9% and on October 1 of each year thereafter, charges shall be adjusted by increasing the prior year's charge by 5%.	
5/8	\$15.13		
3/4	\$21.11		
1	\$33.09		
1 1/2	\$62.99		
2	\$98.91		
3	\$212.62		
4	\$362.21		
6	\$810.98		
8	\$960.58		
10	\$2,516.40		
12	\$3,174.63		
16	\$3,656.52		

(2) In order for a structure or parts of a structure which have facilities for water and sewer service to be disconnected and excused from payment of water and sewer availability charges, the owner of said structure or parts of a structure shall:

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- a. Remove all internal facilities which allow for the use of water and/or sewer service, including but not limited to: all sinks, toilets and spigots.
- b. Request that the water meter(s) involved be removed.
- c. Notify both the city development services department and the city public works department that all water and sewer facilities have been removed and that the service availability charge should be terminated as to the subject structure or parts of a structure.
- d. Pay the service availability reconnection charge as follows when removing an account from inactive status and placing it on active status:

<b>Service Availability Reconnection Charge 28-76(j)(2)</b>	
	<b>Effective 10/1/2011</b>
To re-establish active service for both water and sewer for all size meters	\$150.00

**Sec. 28-77. - User agreements.**

Municipalities, political subdivisions and privately owned public works in the county that are financially responsible, as determined by the city commission, may enter into separate contracts with the city for wastewater transmission, treatment and disposal. In no event shall any wastewater users pay less than their equitable share of the capital and operating costs based upon wastewater quantities delivered to the city sewerage system

**Sec. 28-78. Industrial user charges.**

- (a) Industrial users shall be charged an applicable industrial user rate. The city may impose special user charges in addition to other charges set out in this article if a particular waste causes changes in expense to the city in its handling and treatment. To determine acceptability of any such waste and the charge for treatment thereof, the city shall require persons wishing to discharge such wastes to submit a written analysis of the quantities and characteristics of such wastes. Such analysis may be validated by the director.

- (b) Where sampling and gauging of a specific industrial user is not practical for physical, economic, or other reasons, the city may establish industry-wide averages for volume

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and concentration of the wastes discharged into the sewer system for all users in the same industrial classification. These average allowances may be determined by sampling the waste discharges of one (1) or more typical firms in the industrial classification. The determined averages may be related to units of production or some other suitable basis for the computation of the industrial cost recovery charges and any special industrial user charges which may be justified. These average flow volumes and concentrations shall remain in effect until such time as the specific industrial user submits data which, in the judgment of the director, indicates that such averages are not applicable to the particular industrial user.

(c) Special industrial user charges have been established for the following industrial classifications:

<i>Standard Industrial</i>	<i>Industry Description</i>
<i>Classification No. 7211/7213</i>	Commercial Laundry
	Establishment engages in wholesale laundering operations equipped with high efficiency washers of a minimum six hundred (600) pounds' capacity. Billable wastewater flow shall be based upon eighty (80) percent of the total metered water consumption recorded during each billing period.
<i>Standard Industrial</i>	Bottled and Canned Soft Drinks
<i>Classification No. 2086</i>	and Carbonated Water
	Establishment engaged in the bottling of water for retail sale and consumption off the premises. Billable wastewater flow shall be based upon seventy (70) percent of the total metered water consumption recorded during each billing period.

(d) Special industrial user charges shall be applied to any qualified industrial user upon the written request of such user. Prior to applying a special industrial user charge to a particular industrial user, the director may require the user to provide sufficient information and documentation to the city demonstrating that the user is qualified to be included within the standard industrial classification to which such special industrial user charge applies.

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**Sec. 28-79. - Exemptions from wastewater commodity charges.**

Where water used for lawn sprinkling, gardening or commercial-industrial purposes does not enter the sanitary sewer system, relief from payment of the wastewater commodity charge on the presently metered total water consumption is provided as follows:

- (1) A customer may have installed by the department, as stipulated in section 28-141 and approved by the development services department, a separate metered connection with the water mains to measure the water so used.
- (2) A customer may apply for a meter, as stipulated in section 28-141 to have the meter installed at his expense and with the approval of the development services department, to measure the water which does not enter the sewer system. The sewerage service charge will be billed on the difference in consumption between the two (2) meters; provided, however, that the credit to be given shall not reduce the total wastewater charge to an amount less than the fixed monthly charge.

**Sec. 28-80. - When bills due and payable.**

The city will bill as a unit for water and wastewater user charges, and the wastewater user charges must be paid at the time of payment of the charge for water service. If such wastewater user charges are not paid within ten (10) days, after the same shall become due and payable, the city manager or his designee is hereby authorized and may disconnect such consumer's water supply in accordance with section 28-190.

**Secs. 28-81—28-135. Reserved.**

SECTION 2. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance without the need for a public hearing.

SECTION 3. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

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SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2026.

PASSED SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2026.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN