

ORDINANCE NO. 2022-22

AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 66 TITLED "UTILITIES" IN ITS ENTIRETY, AND AMENDING AND RENUMBERING IT AS CHAPTER 23 TITLED "UTILITIES," AS CONTAINED HEREIN, TO SIMPLIFY THE CODE, REMOVE UNECESSARY AND OBSOLETE PROVISIONS, AND ADOPT REGULATIONS PERTAINING TO GREASE TRAPS, CROSS CONNECTION CONTROL, TAMPERING, AND INDUSTRIAL PRETREATMENT TO PROTECT THE PUBLIC WASTEWATER AND POTABLE WATER SYSTEMS AND PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE OF WELLINGTON RESIDENTS AND UTILITY CUSTOMERS; PROVIDING A REPEALER CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in it by Chapter 166, Florida Statutes, and Article VIII, Section 2 of the Florida Constitution, is authorized and empowered to adopt legislation to govern the affairs of its citizens; and

WHEREAS, Wellington adopted its first Code of Ordinances in 1997, shortly after incorporation, and since that time has adopted revisions as necessary to protect the health, safety, and welfare of its citizens; and

WHEREAS, Wellington believes that it is in the best interest of the community to make additional modifications to the Code of Ordinances to remove outdated and unnecessary provisions and to simplify the provisions set forth therein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,
FLORIDA, THAT:**

SECTION 1: Chapter 66 of Wellington's Code of Ordinances is hereby repealed in its entirety, and is amended and renumbered as Chapter 23, titled "Utilities," and is hereby adopted as specifically provided in Exhibit A attached to this Ordinance.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause, or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4: Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 5: This Ordinance shall become effective immediately upon adoption of the Wellington Council following second reading.

PASSED this _____ day of _____, 2022 upon first reading.

PASSED AND ADOPTED this _____ day of _____, 20__ on second and final reading.

WELLINGTON

	FOR	AGAINST
BY: _____ Anne Gerwig, Mayor	_____	_____
_____ Michael Drahos, Vice Mayor	_____	_____
_____ John McGovern, Councilman	_____	_____
_____ Michael Napoleone, Councilman	_____	_____
_____ Tanya Siskind, Councilwoman	_____	_____

ATTEST:

BY: _____
Chevelle D. Addie Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie S. Cohen, Village Attorney

EXHIBIT A

Chapter 66 UTILITIES¹

ARTICLE I. IN GENERAL

~~Secs. 66-1—66-30. Reserved.~~

ARTICLE II. WASTEWATER

DIVISION 1. GENERALLY

~~Secs. 66-31—66-50. Reserved.~~

DIVISION 2. GREASE WASTE²

~~Sec. 66-51. Definition of grease traps.~~

~~Approved grease traps shall be any receptacles or devices approved by the village, which are designed to prohibit the introduction of grease waste into the wastewater system and constructed based upon the standards set forth by Florida law.~~

~~(Ord. No. 98-30, § 1, 2-9-99)~~

~~Cross reference(s)—Definitions generally, § 1-2~~

~~Sec. 66-52. Applicability.~~

- ~~(a) In order to prohibit wastewater line stoppage or hinder wastewater transmission and treatment, all restaurants, food processors, service stations, or other activities which use or produce grease waste, except as exempted herein, shall install and maintain one or more grease traps in accordance with the provisions of this division.~~
- ~~(b) Utility department approved grease traps for solvents and oil waste, which prohibit the introduction of grease waste into the wastewater system, shall be provided in the following places:~~
 - ~~(1) Public storage garages where floor drainage is provided;~~

¹Cross reference(s)—Utility fee schedule and other fees established by the village saved from repeal, § 1-8(13); administration, ch. 2; buildings and building regulations, ch. 18; cable communications, ch. 22; environment, ch. 30; manufactured homes and trailers, ch. 34; planning, ch. 42; solid waste, ch. 46; special districts, ch. 50; streets, sidewalks and other public places, ch. 54; public service tax, § 58-31 et seq.; franchises, app. A.

State law reference(s)—Authority granted to municipalities to levy tax on specified public services, F.S. § 166.231; public utilities, F.S. ch. 366; water and wastewater systems, F.S. ch. 367; water resources, F.S. ch. 373; Florida Safe Drinking Water Act, F.S. § 403.850 et seq.

²Editor's note(s)—Ord. No. 98-30, adopted Feb. 9, 1999, repealing §§ 66-51—66-60 and enacting similar new provisions in lieu thereof as §§ 66-51—66-61. Formerly, such provisions derived from §§ I—VIII, X, and XI of Ord. No. 96-27, adopted March 11, 1997.

- ~~(2) Any place where motor vehicles are washed; private resident garages excluded;~~
- ~~(3) Any place where motor vehicles are repaired and floor drainage is provided;~~
- ~~(4) Shops, manufacturing, and assembly plants where parts are washed to remove oil and/or greasy substances; and~~
- ~~(5) Any place where oil, gasoline, or other volatile liquids are spilled, drained, or otherwise discharged onto the floor or ground.~~

~~(c) Grease traps shall be required for establishments engaged in commercial food preparation activities.~~

~~(d) Grease traps shall not be required for any food preparation activities which do not introduce grease waste into the wastewater system, subject to approval of the utility department.~~

~~(Ord. No. 98-30, § 2, 2-9-99)~~

~~Sec. 66-53. Design and construction.~~

~~The design of grease traps shall be based on standards prescribed by Florida law. In addition, the following general requirements apply when determining the proper use and installation of a grease trap:~~

- ~~(1) The grease trap shall be of watertight concrete or other durable material as approved by the utility department, and shall be placed outside the building in an accessible location for cleaning, and shall be connected to the waste line from sink drains and kitchen fixtures leading to the wastewater collection system.~~
- ~~(2) Invert of inlet shall be a minimum of three inches above the liquid level line of the grease trap.~~
- ~~(3) Flow from the grease trap shall be baffled with a tee-vented sweep at the outlet, which shall extend within eight inches of the grease trap bottom.~~
- ~~(4) The size of the grease trap shall be based upon the anticipated flow rate, water temperature, and grease concentration.~~
- ~~(5) The minimum capacity of each grease trap shall be 750 gallons, and the maximum capacity of each grease trap shall be 1,250 gallons.~~
- ~~(6) When the required effective capacity is greater than 1,250 gallons, installation of multiple grease traps in series is required.~~
- ~~(7) An approved grease trap must be used on the outlet sewer of every restaurant or other establishments with commercial food preparation activities.~~
- ~~(8) The sizing of the grease trap shall be based on the equation below:~~

~~a. Restaurants:~~

$$\text{(S)} \times \text{(GS)} \times \text{HR}/12 = \text{Effective capacity in gallons.}$$

S	=	Number of seats in dining area.
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GS	=	Gallons of wastewater per seat (use 25 gallons for ordinary restaurant; use ten gallons for single service article restaurants).
HR	=	Number of hours establishment is open per day.

~~b. Other establishments with commercial kitchens:~~

~~(M) × (GM) × (LF) = Effective capacity in gallons.~~

M	=	Meals prepared per day.
GM	=	Gallons of wastewater per meal; use five gallons.
LF	=	Loading factor; use 1.00 with dishwashing and 0.50 without dishwashing.

~~(9) Adequate detention time shall be provided to allow the grease to be deposited within the grease trap to prevent its entering the wastewater system.~~

~~(10) The utility department shall have the authority to increase the effective capacity if deemed necessary due to the nature of the establishment.~~

~~(Ord. No. 98-30, § 3, 2-9-99)~~

~~Sec. 66-54. Inspection.~~

~~The utility department shall have the authority to inspect, at reasonable times, the food service, food processing, or other establishments which produce grease waste. If, upon inspection, a grease trap is determined to be insufficient or otherwise defective to serve its designed purposes as set forth in this division, the owner of the establishment shall be given written notice to correct the insufficiency or defective condition within three working days. Failure to comply with the terms of such notice shall be a violation of this division and each day thereafter shall constitute a separate offense.~~

~~(Ord. No. 98-30, § 4, 2-9-99)~~

~~Sec. 66-55. Permits and certificates.~~

~~(a) Installation permit. Grease traps shall be installed and located in an area which will provide ready accessibility for purposes of inspection, service, and maintenance. The installation of all grease traps shall be in compliance with the standards set forth by Florida law. The permit for installation of grease traps shall be obtained from the utility department.~~

~~(b) Grease trap certificate. It is hereby declared to be unlawful to install or operate a grease trap without first obtaining an Installation permit and grease trap certificate from the utility department, as provided in this section. All existing establishments that require or utilize a grease trap must submit a maintenance or clean-out schedule and obtain a grease trap certificate. This certificate is nontransferable and shall be displayed at the establishment. Upon change of ownership of the establishment, the~~

new owner(s) must apply for a new, nontransferable certificate. Failure to submit a maintenance schedule, obtain a grease trap certificate, and install and maintain the grease trap per approved schedule is a violation of this division, subject to penalties as provided by Florida Statutes and this division. Grease traps shall be cleaned at appropriate intervals to insure that at least 50 percent retention capacity of the tank is retained.

~~(c) *Cleaning schedule.* Notwithstanding the requirements of paragraph (b) above, grease traps must be cleaned at least every three months, and owners shall be responsible for any discharge of grease into the wastewater system.~~

~~(d) *Submission of maintenance schedule.* A maintenance schedule shall be submitted to the utility department. The grease trap certificate showing maintenance dates and the name and address of the grease trap cleaner shall be properly filled out and displayed on the premises. Proper disposal practices shall be exercised with removed grease. It shall be unlawful to permit removed grease to re-enter the wastewater collection system.~~

~~(e) *Determination by engineer of adequacy of trap.* Prior to the issuance of a grease trap certificate, a written determination by an engineer registered in the State of Florida, that the size, specifications, and regular maintenance requirements of a grease trap can adequately handle the anticipated flow and the computation used in arriving at this determination.~~

~~(f) *Certificate required.* All grease traps that exist and connect to the wastewater system at the time this division becomes effective must obtain a grease trap certificate. The certificate shall be obtained within 90 days of the effective date of this division. If, upon inspection, maintenance is found to be inadequate, it shall constitute a violation of this certificate.~~

~~(g) *Installation of trap where none exists; deadline for retrofit.* Any existing businesses which require a grease trap, but do not have one, will be required to retrofit, upon confirmation by the utility department, that the business in question produces grease and creates a burden to the wastewater system. The business must undertake and complete the installation of an approved grease trap within 90 calendar days after determination that retrofitting would not result in compliance herewith. If it is determined through the application of the terms of this division that the continuation of the business without an approved grease trap would impact adversely on the wastewater system, the business shall immediately disconnect from the system until compliance is achieved; provided, however, the village manager grants an extension of up to six months to complete the retrofit upon a showing of demonstrated undue hardship which affects the viability of the business.~~

~~(Ord. No. 98-30, § 5, 2-9-99)~~

~~Sec. 66-56. Prohibited chemicals.~~

~~Inorganic chemical solvents shall not be used for degreasing or unclogging grease traps.~~

~~(Ord. No. 98-30, § 6, 2-9-99)~~

~~Sec. 66-57. Fees.~~

~~A one-time, nonrefundable application fee, as set in the utility fee schedule, shall be paid at the time of application for the grease trap certificate. The fee for reinstatement of a revoked certificate shall also be paid in accordance with the utility fee schedule.~~

~~An inspection fee shall be paid for each inspection required to ensure compliance with the Utilities rules and regulations governing the installation, operation, and maintenance of grease traps. The inspection fee shall be paid in accordance with the utility fee schedule.~~

~~(Ord. No. 98-30, § 7, 2-9-99)~~

~~Sec. 66-58. Violations and penalties.~~

~~(a) Any violations of the requirements of this division are punishable by a fine not to exceed \$500.00 for each separate violation, or imprisonment for a term not to exceed 60 days, or both.~~

~~(b) A violation each day of any provision of this division shall constitute a separate offense, and each act in violation of the provisions of this division shall be considered a separate and distinct offense.~~

~~(c) In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this division shall be deemed a public nuisance and may be, by the village council, abated as provided by law. Each day that such condition continues shall be regarded as a new and separate offense.~~

~~(Ord. No. 98-30, § 8, 2-9-99)~~

~~Sec. 66-59. Compliance date.~~

~~All nonexempt restaurants, food processors, service stations, and other activities governed by the terms of this division shall be in compliance no later than 90 calendar days after the effective date of this division.~~

~~(Ord. No. 98-30, § 9, 2-9-99)~~

~~Sec. 66-60. Administrative policies authorized.~~

~~Written administrative policies, in keeping with the terms and conditions of this division, are hereby authorized to be accomplished by resolution of the village council, as may be necessary from time to time.~~

~~(Ord. No. 98-30, § 10, 2-9-99)~~

~~Sec. 66-61. Appellate rights.~~

~~An owner shall have the right to appeal to the village council a determination by the utility department that the owner's business produces grease which intrudes into and creates a burden on the wastewater system. The owner's objection to the determination shall be submitted in writing to the utility department no later than ten days after notice of the determination has been received by the owner. After the utility department designee~~

receives the written objections, the village council shall have 30 calendar days to review the dispute and render its final decision, and the owner shall be provided an opportunity to be heard and support his/her objections on appeal to the village council.

(Ord. No. 98-30, § 11, 2-9-99)

~~Secs. 66-62—66-69. Reserved.~~

~~ARTICLE III. CROSS-CONNECTION BACKFLOW PREVENTION~~

~~Sec. 66-70. Short title.~~

~~This article shall be known as the Wellington Cross-Connection Backflow Prevention Ordinance.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-71. Purpose.~~

~~The purpose of these cross-connection control regulations is to prevent waterborne diseases and contaminants from entering the water distribution system of the Village. The regulations are intended to prevent delivered water, potable water that has passed beyond the public water system and into private distribution systems of consumers, from re-entering the public distribution system and being delivered to other consumers. The regulations protect the Village and its consumers from those water-using establishments which could possibly harm the quality and safety of the Village's water supply through backflow and/or cross-connections.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-72. Definitions.~~

~~The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:~~

~~*Air-gap separation:* A physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved air-gap separation shall be a distance of at least two times the diameter of the supply pipe measured vertically above the top rim of the vessel with a minimum distance of one inch.~~

~~*Approved:* Accepted by the director of the utilities department or his designee as meeting an applicable specification of the utilities department.~~

~~*Assembly:* One that is capable of being tested.~~

~~*Auxiliary water supply:* Any water supply on or available to the premises other than the consumer's approved public potable water supply. These auxiliary waters may include water from a private potable or non-potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids."~~

~~*AWWA:* American Water Works Association.~~

~~*Backflow:* The undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the Village of Wellington's potable water supply from any source other than its intended source.~~

~~*Backflow prevention assembly:* An approved assembly, method, or construction used to prevent backflow into a potable water system.~~

~~*Backflow prevention device assembly approved:* An assembly/device that has met the requirements of the following standards:~~

~~USC FCCC University of Southern California Foundation for Cross-Connection Control and Hydraulic Research~~

~~*Contamination:* An impairment of the quality of the potable water by any solid, liquid, gaseous compounds or mixtures to a degree which would create an imminent danger to the public health, or would create an unacceptable taste, odor, or color to the potable water.~~

~~*Cross-connection:* Any physical arrangement whereby the village's public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device through which backflow may occur.~~

~~*Double detector check valve assembly:* An assembly of two (2) independently operating approved double detector check valve assemblies, plus properly located test cocks for the testing of each check valve and an approved water meter incorporated within the assembly for detection of leaks and unauthorized use of water.~~

~~*Dual check valve:* A device containing two (2) independently acting spring-loaded check valves with a bronze body.~~

~~*Health hazard:* An actual or potential threat of contamination or pollution of a physical or toxic nature to the public potable water system or the consumer's potable water system to such a degree or intensity that there would be a danger to health.~~

~~*Industrial fluids system:* Any system used by the consumer for transmission of or to store any fluid, solid, or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances to produce, convey, or store substances which are or may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a hazard if introduced into the Village's water system. This may include, but not be limited to, polluted or contaminated waters; all types of processed water and "used water" originating from the public water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids or alkalies, circulated cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals or systems, etc.; oils, gases, paraffin, caustic and acid solutions, and other liquids and gaseous fluids used in industrial or other purposes or for fire fighting purposes.~~

~~*Pollution:* The presence of any foreign substance (organic, inorganic, or biological) in the water system which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual~~

~~hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.~~

~~*Pressure vacuum breaker assembly:* An assembly containing an independently operating loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly loaded test cocks and tightly closing shut-off valves located at each end of the assembly.~~

~~*Reduced pressure detector assembly:* An assembly of two independently operating approved reduced pressure principle assemblies, plus properly located test cocks for the testing of each valve, and an approved water meter incorporated within the assembly for detection of leaks and unauthorized use of water.~~

~~*Reduced pressure principle assembly:* An assembly containing within its structure a minimum of two independently acting approved check valves, together with an automatically operating pressure differential relief valve located between the two check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the checks shall be less than the supply pressures. In case of leakage of either check valve, the differential relief valve, by discharging to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks.~~

~~*Village:* Village of Wellington.~~

~~*Water non-potable:* Water that is not safe for human consumption.~~

~~*Water potable:* Water that, according to recognized standards, is safe for human consumption.~~

~~*Water service connections:* The terminal end of a service connection from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system. Where a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the consumer's water system. Service connections shall also include water service connections from a fire hydrant and all other temporary or emergency water service connections from the public water system.~~

~~*Water used:* Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.~~

~~*Water purveyor:* The owner or operator of the public potable water system supplying an approved water supply to the public. As used herein, the terms water purveyor and Village Utilities Department may be used synonymously.~~

~~Water system consumer's: Any water system located on the consumer's premises, whether supplied by a public potable water system or an auxiliary water supply. The system or systems may be either a potable water system or an industrial fluids system.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-73. Interpretation.~~

~~This article shall be liberally construed so as to effectively carry out the purposes hereof in the interest of the public health, safety, and general welfare. This article is not intended nor shall it be construed to supersede or conflict with any statutory provisions, rules or regulations of the state, but shall be construed as implementing and assisting the enforcement thereof.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-74. Backflow prevention devices required.~~

- ~~(a) No water service connection to any premises shall be installed or maintained by the Village unless the water supply is protected as required by state law and this article. Service of water to any premises may be discontinued by the Village if a backflow prevention device required by this article is not installed, tested, and maintained, or if it is found that a backflow prevention device has been removed, bypassed, or if an unprotected cross connection exists on the premises service will not be restored until such conditions or defects are corrected.~~
- ~~(b) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the Village to determine whether cross connections or other structural or sanitary hazards, including violations of this article, exist. When such a condition becomes known, the Utilities Director may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with state law and these regulations.~~
- ~~(c) A reduced pressure principle assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served and, in all cases, before the first branch line leading off the service line, on all service lines installed after the effective date of this ordinance, except for single family residential service.~~
- ~~(d) All presently installed backflow prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection maintenance requirements, be excluded from the requirements of these rules so long as the utilities director is assured that they will satisfactorily protect the public potable water supply system. Whenever the existing device is moved from the present location, or requires more than minimum maintenance or when the utilities director finds that the maintenance constitutes a hazard to health, the unit shall be replaced with a reduced pressure principle assembly.~~

~~(e) A reduced pressure principle assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served and, in all cases, before the first branch line leading off the service line, on any service lines installed before the effective date of this section, except for single family residential service, when the utilities director finds that the installation is necessary to prevent a hazard to health.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-75. Administration.~~

~~(a) The utilities department shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection.~~

~~(b) If, in the judgment of the department, an approved backflow prevention device is required at the village's water service connection to any customer's premises for the safety of the water system, the utilities director shall give notice in writing to the customer to install such an approved backflow prevention device at each service connection to his/her premises. The customer shall immediately install such approved device at his/her own expense. The failure, refusal, or inability on the part of the customer to install the device immediately shall constitute a ground for discontinuing water service to the premises until such device has been properly installed.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-76. Fees.~~

~~An inspection fee shall be paid for each inspection required to ensure compliance with the regulations governing the installation, operation, and maintenance of backflow prevention assemblies on new or existing facilities. The inspection fee shall be paid in accordance with the utilities fee schedule.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-77. Notice of violation; failure to remedy.~~

~~The utilities director shall notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this article of such violation. The director shall set a reasonable time for the owner to have the violation removed or corrected (30 days maximum or as determined by degree or hazard). On failure of the owner to have the defect corrected by the end of a specified time interval, the director may, if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fines or penalties to be invoked as are provided in section 66-58.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-78. Penalties.~~

- ~~(a) Any person who knowingly fails or refuses to obey or comply with or willfully violates any of the provisions of this article or any lawful rule or regulation promulgated hereunder or any lawful order of the director issued pursuant to the provisions of this article shall, upon conviction of such offense, be subject to punishment as provided by law. Each day during which the knowing or willful failure or refusal to comply with this article continues shall constitute a separate offense.~~
- ~~(b) Any person who violates any of the provisions of this article shall be liable to the village for all costs and damages incurred by the village as a proximate result of such violation, plus a fine up to \$500.00 per day.~~

~~(Ord. No. 00-01, § 1, 8-8-00)~~

~~Sec. 66-79. Village of Wellington Manual for Cross-Connection Control.~~

~~All terms, conditions, and provisions of the village's Manual for Cross-Connection Control, as it may be amended from time to time, are incorporated herein by reference.~~

~~(Ord. No. 2002-09, § 1, 5-14-02)~~

CHAPTER 23 – UTILITIES

Sec. 23-1: Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

Access: the act of gaining entry to a physical structure, open controlled space, or information technology system managed or operated by the Utility Department.

Act or the Act: the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.* [40 C.F.R. 403.3(b)]

Backflow: the reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the Wellington's potable water supply system from any source other than its intended source.

Backflow Prevention Assembly/Assembly/Backflow Preventer: an assembly, device, or method used to prevent backflow into a potable water system

Biochemical Oxygen Demand: the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Categorical Industrial User (CIU): an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 C.F.R. Chapter I, Subchapter N, Parts 405-471. [Rule 62- 625.200(3), F.A.C.]

Categorical Pretreatment Standard or Categorical Standard: any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with sections 307(b) and (c) of the Act that apply to a specific category of industrial users and that appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

Certified Tester: certified backflow prevention assembly tester meeting the requirements of the Utility Manual, who has completed all required certification courses.

Commercial Connection: includes all utility connections that are not a residential connection and any secondary service connections that are in addition to the service connections that serve a customer's dwelling unit. Also included are connections to government facilities, irrigation system connections, motels, hotels, and hospitals. Residential and non-residential barns and airplane hangars are considered a commercial service connection.

Commercial Sewage Waste: non-toxic, non-hazardous wastewater from commercial facilities. Commercial sewage waste includes only domestic sewage and food establishment sludge (i.e. bathroom and kitchen connections only).

Commercial Users: connections producing only commercial sewage waste.

Contamination: an impairment of the quality of the potable water by any solid, liquid, or gaseous compounds or mixtures to a degree that would create an imminent danger to the public health, or would create an unacceptable taste, odor, or color to the potable water.

Contractor: a non-employee who, with Wellington's express or implied permission, works on behalf of the Utility and is responsible for works or services on any part of the water system.

Cross Connection: any connection or potential connection between Wellington's public water supply system and any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device through which backflow may occur either directly or indirectly and includes any temporary or permanent devices through which or because of which backflow may occur such as bypass arrangements, jumper connections, removable sections, swivel or changeable devices.

Daily Maximum Limit: the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the 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.

Discharge: the introduction of pollutants into the WRF from any nondomestic source regulated under Chapter 403, F.S. [Rule 62-625.200(6), F.A.C.]

Domestic Sewage: has the meaning set forth in F.S. § 381.0065(2)(e). Domestic sewage is further categorized as:

1. Blackwater – as defined by F.S. § 381.0065(2)(c).
2. Graywater – as defined by F.S. § 381.0065(2)(f).
3. Domestic sewage waste ranges:
 - a. Carbonaceous Biochemical Oxygen Demand (CBOD5), maximum 300 mg/l.
 - b. Total Suspended Solids (TSS), maximum 200 mg/l.
 - c. pH, 6 – 8; or within 1 pH unit of the water supply pH; and.
 - d. Nitrogen (Total Kjeldahl Nitrogen, TKN) maximum 100 mg/l.

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Dwelling Unit: a single residential unit designated or intended for one-family occupancy (a household of one or more persons) including, but not limited to, one single-family house, one-half of a duplex, one apartment, or one condominium.

Environmental Protection Agency: the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Existing Source: any source of Discharge that is not a new source.

Fire Line: a dedicated water line utilized to provide water for fire suppression systems or private fire hydrants.

Fire Line Connection: the connection of the dedicated fire line service branch to Wellington's water distribution main.

Fire Line Point of Delivery: the upstream connection to the backflow prevention assembly for the fire service.

Food Establishment Sludge: oils, fats, greases, food scraps, and other grease interceptor contents generated by a food operation or institutional food preparation facility using an onsite sewage treatment and disposal system. Wastewater generated by breweries, wineries, distilleries, or other establishments that discharge or have the potential to discharge microorganisms or bacteria is excluded from this definition.

Grease Trap: any receptacles or devices that are designed to prohibit the introduction of food establishment sludge into the public wastewater system and constructed based upon the standards set forth by Florida law and the Utility Manual.

Hazard: an actual or potential threat of contamination or pollution of a physical or toxic nature to the public potable water system or the consumer's potable water system to such

a degree or intensity that there would be an adverse risk of danger to public health and well-being or otherwise create objectionable water quality concerns.

Industrial Fluids System: any and all systems used by the consumer for transmission of or to store any fluid, solid, or gaseous substance other than an approved water supply.

Industrial User (IU): a user of the wastewater system who discharges waste other than domestic sewage waste and commercial sewage waste into the system. An industrial user as defined under this chapter is limited to classification of wastewater discharge quality produced by the user, and shall be considered separately from land use, zoning, utility customer classification, water service connection type, and similar categories.

Interference: a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: [Rule 62-625.200(9), F.A.C.]

1. Inhibits or disrupts the wastewater system, the Utility's processes or operations or its domestic wastewater residuals processes, use, or disposal; and
2. Is a cause of a violation of any requirement of a Wellington 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 Florida Department of Environmental Protection and Chapter 403, F.S.

Medical Waste: means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

New Source: [Rule 62-625.200(13), F.A.C.]

1. Any building, structure, facility or installation from which there is or may be a discharge, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or 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 integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.
2. Construction on a site at which an existing source is located that modifies, alters, replaces, or adds to existing process or production equipment but does not create

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a new building, structure, facility, or installation meeting the criteria of (1)(b) or (1)(c) above; but otherwise alters, replaces, or adds to existing process or production equipment.

Noncontact Cooling Water: water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non-Residential User: all users that are not single meter residential or master meter residential users. Non-residential users shall include industrial users and commercial users.

Person: any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH: a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes.

Pollution: the presence of any foreign substance (organic, inorganic, or biological) in the water system that tends to degrade the water system's quality so as to constitute a hazard or impair the usefulness or quality of the water.

Potable Water: water for human consumption that meets federal, state and county standards.

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 WRF. [Rule 62-625.200(17), F.A.C.]

Pretreatment Standards: any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency under sections 307(b) and (c) of the Act or by the FDEP under Chapter 403, F.S., which applies to industrial users. This term includes prohibitive discharge limits established in Rule 62-625.400, F.A.C.

Reduced Pressure Principle Assembly: shall have the meaning as defined in the Utility Manual.

Residential Connection: Residential connections shall include two classes of residential connections:

1. Single Meter Residential Connections: individually metered connections to dwelling units. Single meter residential includes individually metered single family homes or individually metered apartments, condominiums, townhomes, etc.

2. Master Meter Residential Connection: master metered water service connections to dwelling unit which includes apartment buildings, condominiums, duplexes, triplexes, fourplexes, and any other dwelling units that share one or more common walls, roofs, and/or floors

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Sewage: human excrement and gray water (household showers, dishwashing operations, etc.).

Tamper: to interfere or attempt to interfere with the operation of public utility systems and as further defined in this chapter.

Third-Party Administrator: an entity, other than the Utility, that is hired by Wellington to assist with the administration of the grease trap program, the cross connection control program, or other Utility Department program.

Trespass: an act of physically entering a facility, utility asset, or open space without permission or where access is restricted due to safety or public health concerns and as further defined in this chapter.

Utility Asset: any property, device, item, structure, or water source; owned, operated, controlled, or connected with the water systems, including manhole covers, meters (including hydrant meters), equipment, supervisor control and data acquisition (SCADA) systems, and other system parts that are integral to the operation of the Utility.

Utility Department: the Village of Wellington Utility Department.

Utility Director: the person designated by Wellington to oversee the Utility Department or their designee.

Utility Manual: Wellington Utility Water and Wastewater System Construction Specifications and Standard Details Manual.

Water Service: a dedicated potable water line between the public water distribution main and water meter providing water intended for human use and consumption.

Water Service Connection: the connection of the dedicated water service branch line to Wellington's water distribution main.

Water Service Point of Delivery: the downstream end of the meter.

ARTICLE 1 - GREASE WASTE

Sec. 23-2: Title

This article shall be known as the "Village of Wellington Grease Trap Ordinance," and may be so cited.

Sec. 23-3: Authority

- A. Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law. Wellington's Council is therefore authorized to adopt, prescribe, and promulgate rules and regulations to protect Wellington's Utility.
- B. It is in the public interest to ensure adequate and necessary improvements are available or established whenever land is developed or used in a manner that affects Wellington's Utility.
- C. It is in the public interest to establish procedures and standards for Grease Traps within Wellington's Urban Service Boundary and Wellington's Utility Service Area.

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Sec. 23-4: Purpose, Intent, and Applicability

This article is necessary to protect the public wastewater system and for the promotion of public health, safety, and general welfare of Wellington's residents and utility customers. The regulations set forth in this article are applicable to the wastewater system within Wellington's Utility Service Area. The specific provisions of this article shall be applied and interpreted in a manner consistent with Wellington's purpose and intent to:

- A. Ensure the existing customers of Wellington's Utility will not have to bear the costs resulting from introduction of grease into the public wastewater system; and
- B. Assure grease trap infrastructure improvements have been constructed in accordance with Florida Administrative Code Rule 62-6 *Standards for Onsite Sewage Treatment and Disposal Systems* and the Utility Manual.

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Sec. 23-5: Relationship to Other Agency Requirements

The requirements of this article are intended to supplement and expand upon rules, regulations, and permit requirements of other federal, state, and local agencies. In no case will the requirements of this article lessen the requirements under federal, state, or local law governing the design or construction of improvements. Developers/individuals seeking approvals under this article are responsible for obtaining all necessary federal, state and local permits that govern intended improvements.

Sec. 23-6: Administration

The Utility Director or their designee is responsible for the following tasks and has the authority to make the following decisions, as necessary, to protect the public wastewater system, the Water Reclamation Facility, and the public health, safety, and general welfare of Wellington's residents and utility customers:

- A. Implement and enforce the provisions of this article.
- B. Update the Utility Manual as necessary to protect Wellington's residents and utility customers.
- C. The Utility Director has the authority to waive certain general requirements and improvements, or allow alternative designs that exceed the minimum requirements when the intent of the Utility Manual has been met. The applicant shall obtain written approval from the Utility Director for alternative improvement designs.

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Sec. 23-7: General Requirements

In order to prevent wastewater line stoppage or hindrances to wastewater transmission and treatment, all restaurants, food processors, service stations, or other businesses or business activities that use or produce food establishment sludge, except as exempted herein, shall install and maintain one or more grease traps in accordance with the provisions of this article.

- A. Utility Department approved grease traps for food establishment sludge that prevents the introduction of grease waste into the wastewater system shall be provided for establishments engaged in commercial food preparation activities.
- B. Any existing businesses that require a grease trap, but do not have one, will be required to retrofit where possible. If retrofitting will not result in compliance with this section, the business must undertake and complete the installation of an approved grease trap within 120 calendar days after determination that retrofitting would not result in compliance herewith, unless otherwise agreed upon by the Utility Director. If it is determined through the application of the terms of this article that the continuation of the business without an approved grease trap would adversely impact the wastewater system, the business shall immediately disconnect from the system until compliance is achieved.

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Sec. 23-8: Exemptions

Grease traps shall not be required for any food preparation activities that do not introduce food establishment sludge into the public wastewater system, subject to approval of the Utility Director.

Sec. 23-9: Permits

- A. Owners shall be required to obtain building permits from the Wellington Building Department for grease trap construction and installation. The permit for installation of grease traps is subject to review and approval by the Utility

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Department.

- B. Owners shall be required to obtain all permits required by the Florida Department of Environment Protection or its delegated authority in accordance with all applicable rules and regulations.

Sec. 23-10: Design and Construction

- A. The design of grease traps shall be based on standards prescribed by Florida law and the Utility Manual. The Utility Director shall have the authority to require an increase in the effective capacity if deemed necessary due to the nature of the establishment.
- B. Grease traps shall be installed adjacent to the unit being served, in a location approved by the Utility Department. Grease traps shall be installed and located in an area that will provide ready accessibility for purposes of inspection, service, and maintenance.
- C. Prior to the issuance of a grease trap permit, signed and sealed calculations by a professional engineer will be required to demonstrate that the size, specifications, and regular maintenance requirements of the grease trap can adequately handle the anticipated flow.
- D. Grease traps shall be designed such that pumping is not required more than once every 90 days.

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Sec. 23-11: Operation and Maintenance Responsibilities of Grease Traps

- A. The Owner of each property shall be responsible for all required maintenance and, where required, replacement or expansion of all grease traps.
- B. Proper disposal practices shall be exercised with removed grease. It shall be unlawful to permit removed grease to re-enter the wastewater collection system.
- C. Owners shall keep records of all pumping activities and such records and other information reasonably required shall be provided to the Utility Director or to a designated third-party Administrator, if applicable, upon request. Owners shall pay all associated fees to the third-party administrator.
- D. Grease traps must be cleaned at least every three months, or more frequently if required by the Utility Department. Owners shall be responsible for any discharge of grease into the wastewater system.
- E. Chemical solvents that may cause harm to the wastewater system shall not be used for degreasing or unclogging grease traps.

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Sec. 23-12: Inspections and Reporting

- A. The condition of grease traps shall be reviewed by the Utility Department at periodic intervals as determined by the Utility Department. Owners will be notified of the results of inspections that do not meet the requirements outlined in the Utility Manual. Grease traps not receiving a passing result shall require remedial action taken by the Owner, at their own expense, in order to achieve a passing result.

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- B. Owners shall provide copies of the pumping manifests to the Utility Department or Wellington's authorized third-party administrator, if applicable, and pay any associated processing fees.
- C. The Utility Department shall have the authority to inspect the food service, food processing, or other establishments that produce food establishment sludge. If, upon inspection, a grease trap is determined to be insufficient or otherwise defective to serve its designed purposes as set forth in this article, the owner of the establishment shall be given written notice to correct the insufficiency or defective condition. Failure to comply with the terms of such notice shall be a violation of this section and each day thereafter shall constitute a separate offense.

Sec.23-13: General Prohibitions

- A. Grease traps may only be provided for the mitigation of food establishment sludge. Floor drains for public storage garages, automotive repair shops, or service centers, car washes, manufacturing, assembly plants, or any place where oil, gasoline, or other volatile liquids are spilled, drained, or otherwise discharged onto the floor or ground may not be connected to the sanitary sewer system.
- B. Provisions for wastewater generated by industrial users or for users that have the potential to discharge microorganisms or bacteria shall be governed by Article 4 Industrial Pretreatment.

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Sec. 23-14: Fees

Wellington may adopt fees for the reimbursement of costs of administering the grease trap program. Such fees will be identified on the Utility Rate and Fee Schedule. Owners shall be responsible for all fees to Wellington's third-party administrator, where applicable. Third-party administration fees shall paid directly to the third-party administrator and are in addition to any fees levied by Wellington.

Sec. 23-15: Enforcement and Penalties

- A. Enforcement: Every law enforcement official having jurisdiction in the area governed by this Code may, in connection with all other duties imposed by law, enforce the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other departments of Wellington, in accordance with state and local law.
- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.
- C. In addition to the sanctions contained herein, Wellington may take appropriate action, including, but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this article.

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D. Each day a violation of any provision of this Article exists shall constitute a separate offense, and each act in violation of the provisions of this Article shall be considered a separate and distinct offense.

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ARTICLE 2 - CROSS CONNECTION CONTROL

Sec. 23-16: Title

This article shall be known as the "Village of Wellington Cross Connection Control Ordinance," and may be so cited.

Sec. 23-17: Authority

- A. Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law. Wellington's Council is therefore authorized to adopt, prescribe, and promulgate rules and regulations to protect the public health, safety, and welfare.
- B. Florida Administrative Code Rule 62-555.360 requires Wellington to implement a cross connection control program for the purposes of detecting and preventing cross connections that create or have the potential to create an imminent and substantial danger to public health.
- C. It is in the public interest to establish procedures and standards for cross connection control within Wellington's Urban Service Boundary and Wellington's Utility Service Area.

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Sec. 23-18: Purpose, Intent, and Applicability

The application of this article is necessary to protect Wellington and its consumers from those water-using establishments that could possibly harm the quality and safety of Wellington's potable water system through backflow and/or cross connections, and for the promotion of public health, safety and general welfare of Wellington's residents and Utility customers. The specific provisions of this article shall be applied and interpreted in a manner consistent with Wellington's purpose and intent to:

- A. Eliminate or control cross connections intended to prevent delivered water or Potable Water that has passed beyond the public water system and into private systems of consumers, from re-entering the public distribution system;
- B. Prevent waterborne diseases and contaminants from entering the potable water distribution system of Wellington;
- C. Provide for the administration of a continuing cross connection control maintenance and testing program designed to systematically and effectively prevent the Contamination of the Wellington's potable water system, including

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provisions for elimination of any prohibited or inappropriately protected cross connections discovered in the system;

- D. Establish Wellington policy regarding the conditions when backflow prevention devices are required;
- E. Assure new backflow prevention assemblies have been constructed in accordance with the Florida Administrative Code 62-555.360 *Cross Connection Control for Public Water Systems* and the Utility Manual

Sec. 23-19: Relationship to Other Agency Requirements

The requirements of this article are intended to supplement and expand upon rules, regulations, and permit requirements of other state, regional, and local agencies. In no case will the requirements of this article lessen the requirements under federal or state law governing the design or construction of improvements.

Sec. 23-20: Administration

The Utility Director or their designee is responsible for the following tasks and has the authority to make the following decisions, as necessary, for the protection of Wellington's potable water distribution system:

- A. Implementing and enforcing the provisions of this article.
- B. Updating the Utility Manual as necessary to protect Wellington, its residents, and Wellington water and sewer service customers.
- C. Administering the cross connection control program, maintaining an inventory of all backflows within its system, and retaining records of customer backflow assembly installation, testing, inspection, and repair, consistent with applicable laws.
- D. The Utility Director has the authority to waive certain general requirements and improvements, or allow alternative designs that exceed the minimum requirements when the requirements of Florida Administrative Code 62-555.360 and the intent of the Utility Manual have been met. The applicant shall obtain written approval from the Utility Director for alternative improvement designs.

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Sec. 23-21: General Requirements

In order to provide adequate protection to the public water supply, no water service connection to any premises shall be installed unless the water supply is protected as required by state law and this article.

- A. All backflow prevention assembly devices shall meet the requirements of the USC FCCC-University of Southern California Foundation for Cross Connection Control and Hydraulic Research and the Approved Products List.
- B. All backflow preventer assemblies shall be installed at or near the property line in an accessible location acceptable to the Utility Department and before the first branch line leading off the service line.

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C. Backflow protection must be provided for all new water service connections in the customer categories outlined in Table 62-555.360-2 of the Florida Administrative Code and the requirements below.

1. Commercial Connection – Minimum protection of a reduced pressure principle assembly shall be installed on each water service line to a customer's water system regardless of water service line size. The backflow assembly shall be installed at or near the property line or immediately inside the building being served, on all service lines after the effective date of this ordinance. On a property with a commercial connection, a reduced pressure assembly must be provided on all water service connections on the property, including any residential connections.
2. Residential Master Metered Connections - Minimum protection of a reduced pressure principle assembly shall be installed on each residential master metered water service line to a customer's water system. The backflow assembly shall be installed at or near the property line or immediately inside the building being served, on all service lines installed after the effective date of this ordinance.
3. Minimum protection of a reduced pressure principle assembly shall be installed on all water service lines with the following conditions in any structure on the property:
 - i. Fire suppression systems;
 - ii. Internal cross connections that cannot be permanently corrected or protected against; or
 - iii. Intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist.
4. Industrial Hazards – Minimum protection of a reduced pressure principle assembly shall be installed for premises on which any industrial fluids systems or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system.
5. There shall be no branches or connections of any kind between the water service connection and the water service point of delivery.

D. Backflow protection must be provided for all new fire lines in accordance with the requirements below.

1. Fire line connections to the public water system shall be a separate, dedicated connection to the public water distribution system. Fire line connection size must match fire line size.
2. Minimum protection of a reduced pressure principle assembly shall be installed for all fire lines.
3. Reduced pressure principle assembly size shall be the same size as the fire line.
4. There shall be no branches or connections of any kind between the fire line connection and the fire line point of delivery.

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E. Backflow protection must be provided on all existing metered irrigation connections. Minimum protection of a reduced pressure principle assembly shall be installed.

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Sec. 23-22: Exemptions

- A. Single meter residential connections with no fire protection systems on the premises do not require backflow prevention devices. A backflow prevention assembly providing no less protection than other service connection types may be required when deemed necessary to protect Wellington's public water system from a perceived health hazard or compromised water quality.
- B. All presently installed backflow prevention devices providing less protection than current regulations, but that were approved devices for the purposes described herein at the time of installation, and that have been properly maintained, shall not be required to upgrade so long as they will satisfactorily protect the public potable water supply system. Whenever the existing device is moved from the present location, or requires more than minimum maintenance, or when the Utilities Director finds that the lower grade device constitutes a hazard to health, the unit shall be replaced with an approved backflow prevention assembly at the owner's expense.

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Sec. 23-23: Permits

An owner shall be required to obtain building permits from Wellington for backflow prevention assembly device construction. The permit for installation of a backflow prevention assembly device shall be obtained from the Building Department and approved by the Utility Department.

Sec. 23-24: Design and Construction

- A. Any backflow prevention assembly required herein shall be of make, model, and size approved by the Utility Department consistent with the Utility Manual and these regulations.
- B. Prior to the issuance of a permit for a backflow prevention assembly device for a water service, the owner shall submit a written determination by a professional engineer registered in the State of Florida, or a licensed plumber, that the proposed size of a backflow prevention assembly device can adequately handle the anticipated flow and the computation used in arriving at this determination. The Utility Department shall have the authority to require a modification to the size of the assembly if deemed necessary.
- C. Prior to the issuance of a permit for a backflow prevention assembly device for a fire line, the owner shall be responsible for having a professional engineer or certified fire-protection contractor ensure a compatible backflow prevention assembly is selected for the proper hydraulic functioning of the entire fire protection system from the point of service. The Utility Department shall have the

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authority to increase or decrease the size of the assembly if deemed necessary due to the nature of the establishment.

Sec. 23-25: Operation and Maintenance of Backflow Prevention Assembly Devices

The owner of each backflow prevention assembly shall be responsible for all required maintenance and replacement of backflow prevention assembly devices. Maintenance is required at least once per year.

Sec. 23-26: Inspections

- A. The owner of each backflow prevention assembly shall be responsible for maintenance and testing at least once per year and for obtaining a passing result on the required annual certified inspection report. Backflow prevention assemblies not receiving a passing result shall require remedial action taken by the owner, at the owner's expense, in order to achieve a passing result.
 - a. All backflow assembly inspection, testing, and repair shall be performed by a certified tester, as required by the Utility Manual. Tester must be a plumber licensed in the State of Florida.
 - b. All fire line backflow preventor assembly inspection testing and repair shall be performed by a certified tester, as required by the Utility Manual.
 - c. Certified tester must provide certification documents to Wellington or Wellington's authorized third-party administrator, if applicable, and shall pay any associated processing fees.
- B. The owner's premises shall be open for inspection at all reasonable times to authorized representatives of Wellington to determine whether cross connections or other structural or sanitary hazards, including violations of this article, exist. When such a condition becomes known, the Utility Director may deny or immediately discontinue service to the premises until the customer has corrected the condition in conformance with state law and these regulations.

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Sec. 23-27: Fees

Wellington may adopt fees for the reimbursement of costs of inspection and oversight for the cross connection program. Such fees will be identified on the Utility Rate and Fee Schedule. The owner shall be responsible for all fees to Wellington's third party cross connection control program administrator, where applicable. Third-party administration fees shall paid directly to the third-party administrator and are in addition to any fees levied by Wellington.

Sec. 23-28: Enforcement and Penalties

- A. Enforcement: Every law enforcement official having jurisdiction in the area governed by this Code may, in connection with all other duties imposed by law,

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enforce the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other departments of Wellington, in accordance with state and local law.

- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.
- C. In addition to the sanctions contained herein, Wellington may take appropriate action, including, but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this article.
- D. The failure, refusal, or inability of the owner to obtain a passing certified inspection result, shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
- E. When notified by the Utility Department of a violation of this article, the failure, refusal, or inability of the owner to have the defect corrected by the end of a specified time interval, shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
- F. Service of water to any premises may be discontinued by Wellington if a backflow prevention device required by this article is not installed, tested, and maintained, or if it is found that a backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- G. Service to a customer may be discontinued immediately and without written notice if such action is necessary to protect public health or the public water supply. Service will not be restored until all circumstances, conditions, or defects causing discontinuance of service are fully corrected.

ARTICLE 3 – WATER UTILITY PROTECTION

Sec. 23-29: Title

This article shall be known as the "Tampering Ordinance," and may be so cited.

Sec. 23-30: Authority

- A. Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law. Wellington's Council is therefore authorized to adopt, prescribe, and promulgate rules and regulations to protect Wellington's Utility.
- B. It is in the public interest to ensure the public Utility assets are protected.
- C. It is in the public interest to establish procedures and standards for the protection of Utility assets and services within Wellington's Urban Service Boundary and its Utility Service Area.

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Sec. 23-31: Purpose, Intent, and Applicability

The application of this article is necessary to protect the Utility's assets, and for the promotion of public health, safety, and general welfare of Wellingtons residents and Utility customers. The regulations set forth in this article are applicable to all property where Utility assets exist. The specific provisions of this article shall be applied and interpreted in a manner consistent with Wellington's purpose and intent to:

- A. Protect Utility assets and services as defined under F.S. § 812.14 *Trespass and Larceny with Relation to Utility Fixtures; Theft of Utility Services*
- B. Facilitate system protections established under F.S. § 403 Part VI and the Utility Manual; and
- C. Enforce procedures for protection of Utility assets as outlined in Chapter 162 of the Florida Statutes and Chapter 2, Article IV of this Code.

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Sec. 23-32: Relationship to Other Agency Requirements

The requirements of this article are intended to supplement and expand upon rules, regulations, and permit requirements of federal, state, and local agencies. In no case will the requirements of this article lessen the requirements under federal or state law.

Sec. 23-33: Administration

The Utility Director, or their designee, is responsible for the following tasks and has the authority to make the following decisions, as necessary, to protect the public water system and the health, safety, and general welfare of Wellington's residents and Utility customers:

- A. Implement and enforce the provisions of this article. Any
- B. Update the Utility Manual as necessary to protect Wellington, its residents and utility customers.
- C. The Utility Director have the authority to waive certain general requirements, or allow alternative procedures when the requirements of applicable statutes and the intent of this article have been met. The applicant shall obtain written approval from the Utility Director for alternative procedures.

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Sec. 23-34: Trespassing

For the purposes of public health and safety, unless specified, Utility assets are protected from public access. The following rules apply:

- A. Individuals, including customers, shall not willfully entering or remaining on some form of Utility real property or asset without authorization, license, or invitation; or
- B. Returning to or ignore a prior warning to stay off Utility assets; or
- C. Gain access to Utility assets, properties, or systems, without first obtaining

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authorization from the Utility.

Sec.23-35: Tampering

For the purposes of public health and safety, unless specified, Utility assets are protected from tampering. The following rules apply:

- A. Individuals, including customers, shall not remove, impact, or tamper with any Utility asset of Wellington located on the premises being served thereby. Nor shall a customer permit anyone to do so on their behalf.
- B. No person, unless authorized by the Utility, shall tamper with, remove, replace, or open any fire hydrant, valve, or corp stops, or tamper with in any way the protected Utility assets.
- C. No unauthorized person or contractor shall uncover, make any connections with or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining a permit from the Utility.
- D. It shall be unlawful for anyone to tamper with or remove locks on any Utility assets.
- E. No person shall tamper with or introduce any material, substance, or chemical to any protected Utility asset.
- F. It is unlawful for any person to threaten, assist others, or facilitate tampering with Utility assets.

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Sec. 23-36: Enforcement and Penalties

- A. Enforcement: Every law enforcement official having jurisdiction in the area governed by this Code may, in connection with all other duties imposed by law, enforce the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other departments of Wellington, in accordance with state and local law.
- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.
- C. In addition to the sanctions contained herein, Wellington may take appropriate action, including, but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this article.
- D. In addition to the penalties set forth in this section, Wellington may also recover: water lab fees, quality testing fees, repair and replacement costs, labor costs, court costs and attorneys' fees at all trial and appellate levels.
- E. The Utility service account of any person or customer who violates this article may be discontinued until all outstanding fines are paid and all violations are corrected.
- F. Service to a customer may be discontinued immediately and without written notice if such action is necessary to protect public health or the public water

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supply. Service will not be restored until all circumstances, conditions, or defects causing discontinuance of service are fully corrected.

ARTICLE 4 – INDUSTRIAL PRETREATMENT

Sec. 23-37: Title

This article shall be known as the "Village of Wellington Industrial Pretreatment Ordinance," and may be so cited.

Sec. 23-38: Authority

- A. It is in the public interest to establish procedures and standards for direct and indirect discharge into the wastewater systems within Wellington's Utility Service Area.
- B. State and federal laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*), the general pretreatment regulations (40 C.F.R. § 403), and Chapter 62-625, F.A.C.; and
- C. Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law. Wellington's Council is therefore authorized to adopt, prescribe, and promulgate rules and regulations to protect Wellington's Utility

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Sec. 23-39: Purpose, Intent, and Applicability

This article is necessary to protect the public wastewater system by regulating direct and indirect discharge into the Utility's wastewater collection and transmissions systems from industrial users, and for the promotion of public health, safety, and general welfare of Wellington's residents and Utility customers. The regulations set forth in this article are applicable to all non-residential users. This article provides for monitoring, compliance, and enforcement activities and requires industrial user reporting.

The specific provisions of this article shall be applied and interpreted in a manner consistent with Wellington's purpose and intent to:

- A. Prevent the introduction of pollutants into the WRF or wastewater system that will interfere with the operation of a WRF, including interference with its use or disposal of municipal sludge; [40 C.F.R. § 403.2(a)]
- B. Prevent the introduction of pollutants into the publicly owned wastewater system that will pass through the treatment works or otherwise be incompatible with such works; [40 CFR § 403.2(b)]
- C. Protect both Wellington's personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public;

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- D. Improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges; [40 CFR § 403.2(c)];
- E. Enable Wellington to comply with all federal, state, and local laws to which the Utility Department is subject; and
- F. Ensure the existing customers of the Utility will not have to bear the costs resulting from introduction of industrial waste into the public wastewater system or the WRF.

Sec. 23-40: Relationship to Other Agency Requirements

The requirements of this article are intended to supplement and expand upon rules, regulations, and permit requirements of other federal, state, and local agencies. In no case will the requirements of this article lessen the requirements under federal, state, or local law governing the design or construction of improvements.

Sec. 23-41: Administration

Except as otherwise provided herein, the Utility Director, or their designee, shall administer, implement, and enforce the provisions of this article.

Sec. 23-42: Abbreviations

The abbreviations used in this article have the following meanings:

- A. C.F.R. – Code of Federal Regulations
- B. EPA – U.S. Environmental Protection Agency
- C. F.A.C. – Florida Administrative Code
- D. FDEP – Florida Department of Environmental Protection
- E. F.S. – Florida Statutes
- F. U.S.C. – United States Code
- G. WRF – Village of Wellington Water Reclamation Facility

Sec. 23-43: General Requirements

In order to protect the WRF and public wastewater system, prohibit wastewater line stoppage, and prevent hindrances to wastewater treatment, all non-residential users shall complete a Wastewater Discharge Survey, as set forth in the Utility Manual.

Sec. 23-44: General Prohibitions

- A. No person shall release or cause to be release into the WRF any prohibited discharge as outlined in the Utility Manual.
- B. No person shall connect, or cause to connect to a building wastewater service line or building drain, which in turn is connected directly or indirectly to the WRF, any roof downspout, exterior foundation drain, areaway drain, wash area drain (including horse wash water), other source of surface runoff or groundwater, or

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- any other connection prohibited in the Utility Manual.
- C. An industrial user shall not introduce into a wastewater system any pollutant that causes pass through or interference. [Rule 62-625.400(1)(a), F.A.C.]

Sec. 23-45: Specific Prohibitions.

The following pollutants shall not be introduced into the wastewater system: [Rule 62-625.400(2), F.A.C.]

- A. Pollutants that create a fire or explosion hazard in the wastewater system;
- B. Pollutants that will cause corrosive structural damage, and in no case discharges with pH lower than 5.0 unless approved by the Utility;
- C. Solid or viscous pollutants in amounts that will cause obstruction to the flow in the WRF resulting in interference;
- D. Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate or pollutant concentration that will cause interference with the wastewater system;
- E. Heat in amounts that will inhibit biological activity in the wastewater system resulting in interference;
- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- G. Pollutants that result in the presence of toxic gases, vapors, or fumes within the wastewater system in a quantity that will cause acute worker health and safety problems; [
- H. Any trucked or hauled pollutants, except at the discharge points designated by the Utility Director;
- I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, health, or safety, or to prevent entry into the sewers for maintenance or repair;
- J. Wastewater that imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent;
- K. Wastewater containing any radioactive wastes or isotopes;
- L. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, animal hair, and unpolluted wastewater,
- M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- N. Medical wastes;
- O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- P. Detergents, surface-active agents, or other substances that may cause excessive foaming in the wastewater systems;
- Q. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l;
- R. Wastewater causing two readings on an explosion hazard meter at the point of

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discharge into the WRF, or at any point in the WRF, of more than five percent (5%), or any single reading over ten percent (10%) of the lower explosive limit of the meter.

Sec. 23-46: Exemptions

Residential connections are exempt from the provisions of this article.

Sec. 23-47: Pretreatment Standards – Categorical Standards

Categorical industrial users must comply with the categorical pretreatment standards found in 40 C.F.R. Chapter I, Subchapter N, Parts 405 through 471. [Rule 62-625.410(1), F.A.C.]

Sec. 23-48: Reporting Requirements

- A. Reports of Changed Conditions. All industrial users must notify the Utility Director of any significant changes to the industrial users operations or system that might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
- B. Reports of Potential Problems. All industrial users shall notify the Utility Director immediately of all discharges that could potentially harm the wastewater system.
- C. Notification of the Discharge of Hazardous Waste [Rule 62-625.600(15), F.A.C.]
 - 1. Industrial Users shall notify the Utility Director within 24 hours, and FDEP's hazardous waste and pretreatment authorities in writing, of any discharge into the wastewater systems of a substance that, if otherwise disposed of, would be a hazardous waste under Chapter 62-730, F.A.C. Such notification must include the following:
 - a. An identification of the hazardous constituents contained in the wastes,
 - b. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
 - c. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

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Sec. 23-49: Compliance Monitoring

The Utility Director shall have the right to carry out all inspections, surveillance and monitoring procedures necessary to determine, independent of information supplied by the industrial user, whether the industrial user is in compliance or noncompliance with applicable pretreatment standards. The Utility Director is authorized to enter any premises of any industrial users in which a discharge source or treatment system is located. Industrial user shall allow the Utility Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Sec. 23-50: Fees

Wellington may adopt fees for the reimbursement of costs of administering Wellington's Pretreatment Program. Such fees will be identified on the Utility Rate and Fee Schedule.

Sec. 23-51: Enforcement and Penalties

- A. Enforcement: Every law enforcement official having jurisdiction in the area governed by this Code may, in connection with all other duties imposed by law, enforce the provisions of this article by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The Village Manager may also delegate enforcement responsibility for this article to other departments of Wellington, in accordance with state and local law.
- B. Penalties: Any user who violates any provision of this article shall also be subject to the remedies authorized by Chapter 2 of this Code, or as otherwise allowed by law.
- C. In addition to the sanctions contained herein, Wellington may take appropriate action, including, but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this article.
- D. When the Utility Director finds that an industrial user has violated any provision of this article or any other pretreatment standard or requirement, the Utility Director may require the owner to correct the deficiency within a time frame as determined by the Utility Director.
- E. The failure, refusal, or inability on the part of the owner to correct the deficiency, shall constitute grounds for discontinuing water and/or sewer service to the premises until such requirements have been satisfactorily met.
- F. When the Utility Director finds that an industrial user has violated, or continues to violate, any provision of this article or any other pretreatment standard or requirement, the Utility Director may immediately discontinue water and/or sewer service to the property. Water or sewer service to a customer may be discontinued immediately and without written notice if, in the opinion of the Utility Director, such action is necessary to protect public health or the wastewater system.

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