

## ARTICLE III. - SANITARY SEWER SYSTEM<sup>[3]</sup>

### Footnotes:

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**Editor's note**—Ord. No. 2012-03, § 1, adopted Feb. 21, 2012, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 78-61—78-64, 78-81—78-91, 78-111—78-118, 78-141—78-147, 78-171—78-177, pertained to similar subject matter, and derived from Code 1982, §§ 17.11, 18.01—18.36. See the Code Comparative Table for complete derivation.

## DIVISION 1. - GENERALLY

### Sec. 78-61. - Purpose and policy.

- (a) This article sets forth uniform requirements for users of the domestic wastewater facility (WWF) of the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.), the General Pretreatment Regulations (40 CFR 403), and the state department of environmental protection's pretreatment requirements in F.A.C. 62-625. The objectives of this article are:
- (1) To prevent the introduction of pollutants into the wastewater facility that will interfere with its operation, including interferences with its use or disposal of domestic wastewater residuals;
  - (2) To prevent the introduction of pollutants into the wastewater facility that will pass through the water reclamation facility, inadequately treated, into receiving waters, or otherwise be incompatible with the water reclamation facility;
  - (3) To protect both the general public and wastewater facility personnel who may be affected by wastewater and sludge in the course of their employment;
  - (4) To implement a low pressure sewage collection system program utilizing septic tank effluent pump (STEP) systems to reduce septic tank effluent reaching the groundwater and thereby reducing nutrient loadings to the Indian River Lagoon;
  - (5) To improve opportunities to reclaim and recycle wastewater and sludge from the wastewater facility; and
  - (6) To enable the city to comply with its wastewater discharge/reuse permit conditions, sludge use and disposal requirements, and any other federal, state, or local laws to which the wastewater facility is subject.
- (b) This article authorizes the issuance of wastewater discharge permits; establishes effluent limits; requires pretreatment; authorizes monitoring, compliance and enforcement activities; requires industrial user reporting; establishes administrative review procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this article.
- (c) This article shall apply to persons within the city and to persons outside the city who are, by contract or agreement with the city, users of the city's wastewater facility.

(Ord. No. 2012-03, § 1, 2-21-2012; Ord. No. 2014-21, § 2, 11-4-2014)

### Sec. 78-62. - Administration.

Except as otherwise provided in this article, the director shall administer, implement, and enforce the provisions of this article and shall be deemed a compliance officer for compliance purposes. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

(Ord. No. 2012-03, § 1, 2-21-2012)

Sec. 78-63. - Definitions.

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

Approval authority means the state department of environmental protection.

Authorized representative of the industrial user means:

- (1) The president, vice-president, secretary, or treasurer 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 or company;
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively;
- (3) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (4) A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his designee if the industrial user is a federal, state or local governmental facility; or
- (5) A duly authorized representative of the person designated in subsections (1), (2), (3), or (4) of this definition if such authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facilities from which the discharge originates, and the written authorization is submitted to the city.

Authorized STEP system installer means a licensed and otherwise qualified contractor that has applied for and received authorization from the city to perform STEP system installations and work associated therewith after meeting the requirements for such authorization and being otherwise in conformance with the requirements of this article.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 78-86(a). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biosolids means treated wastewater sludge that can be beneficially recycled.

BOD and biochemical oxygen demand mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in concentration as milligrams per liter (mg/l).

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside and extends 30 inches (762 mm) in

developed pipe length beyond the exterior walls of the building and conveys the drainage to the building sewer.

Building sewer means that part of the drainage system that extends from the end of the building drain and conveys the discharge to either a public sewer, private sewer, individual sewage disposal system, or other point of disposal.

Bypass means the intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.

Categorical industrial user means an industrial user subject to categorical pretreatment standards.

Categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with sections 307(b) and (c) of the Federal Water Pollution Control Act which applies to a specific category of industrial users and which appears in 40 CFR chapter I, subchapter N, parts 405—471, as amended.

CFR means the Code of Federal Regulations.

City means the City of Vero Beach.

City manager means the city manager and any of his authorized designees.

Compatible pollutant means biochemical oxygen demand, total suspended solids, pH, oil and grease, fecal coliform bacteria and any additional pollutants identified in the wastewater facility's discharge/reuse permit for which the wastewater facility is designed to treat and does remove to a substantial degree; also called "conventional pollutant."

Composite sample means a sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Constituents means the particles and dissolved substances which exist in wastewater.

Control authority means the city.

Cooling water means the water discharged from uses such as air conditioning, cooling or refrigeration, of which the only pollutant added is heat; also called "noncontact cooling water."

Daily average values means the average of all sample values for any one given day.

Dilution means any addition to a wastewater discharge for the purpose of, but not limited to, making weaker, less potent, mixing, dispersing, or thinning, so as to alter the physical, chemical or biological properties, other than what is defined as pretreatment.

Direct discharge means the discharge of treated or untreated wastewater directly to waters of the state.

Director means the city administrative official in charge of the department of water and sewer, or his designee, authorized deputy, agent, or representative.

Discharge means the introduction of pollutants into a wastewater facility from any non-domestic source under F.S. ch. 403.

Domestic wastewater means water-carried wastes of human origin, as opposed to wastes from commercial or industrial activities.

Effluent means the wastewater or other liquid that flows out of a basin, treatment process, or treatment plant.

Environmental Protection Agency means the United States Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Existing source means any source of discharge that is not a new source.

FDEP means the Florida Department of Environmental Protection.

Flow proportional composite sample means a sample consisting of several individual portions in which each portion of the sample is proportional to the flow and combined to form a representative sample.

Four-day average values means the average of daily values for four consecutive monitoring days.

Garbage means solid waste from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

Governmental agency means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of government, including a county, municipality, or other regional or local governmental entity.

Grab sample means a sample which is collected from a wastestream over a period of time not exceeding 15 minutes, with no regard to the flow in the waste stream.

Incompatible pollutant means all pollutants other than compatible pollutants as defined in this section.

Industrial user means any person discharging industrial wastes to the public sewers.

Industrial wastes means pollutants from industrial or other nondomestic processes.

Instantaneous maximum allowable discharge limit means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the wastewater facility, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
- (2) Is a cause of a violation of any requirement of the wastewater facility's 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 state department of environmental protection and F.S. ch. 403.

Local limits means specific discharge limits developed and enforced by the city upon industrial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), 62-625.400(2) F.A.C. and section 78-86(a).

Low pressure sewage collection system means that part of the wastewater facility comprised of the interconnected pressure pipes of various sizes within rights-of-way and easements that convey effluent from a grinder pump or STEP system to a force main or other wastewater collection system.

May is permissive. (See Shall.)

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

Minor user means a noncategorical user which has the potential to discharge a nondomestic process wastestream but whose discharge may not significantly impact the wastewater facility, degrade receiving water quality and/or contaminate sludge.

National pollutant discharge elimination system and NPDES permit mean a permit for discharge of pollutants from point or nonpoint sources into the navigable waters, the contiguous zone and the oceans pursuant to section 402 of the Federal Water Pollution Control Act (33 USC 1342).

Natural outlets means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

New source means:

- (1) 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 prescribed under section 307(c) (33 USC 1317) of the Federal Water Pollution Control Act which will be applicable to such source, if the 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 or 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 will be considered.
- (2) 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 subsections (1)b or c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this subsection has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous on-site construction program:
    - (i) Any placement, assembly or installation of facilities or equipment; or
    - (ii) 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
  - b. 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 subsection.

Oil and grease means a group of substances including fats, waxes, free fatty acids, soaps, and certain other nonfatty materials which are from animal or vegetable source and biodegradable. This excludes petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin.

Oil water separator means any tank, box, sump or other container in which any petroleum or grease product thereof, floating on or entrained or contained in water entering the tank, box, sump or other container, is physically separated and removed from the water prior to outfall, drainage, or recovery of the water; also called "grease trap."

Pass-through means a discharge which exits the wastewater facility into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the city's discharge/reuse permit (including an increase in the magnitude or duration of a violation).

Person means any individual, partnership, firm, company, corporation, association, governmental entity, or any other legal entity.

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

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

wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, toxicity or odor).

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to an approved, less harmful state prior to discharging such pollutants into the wastewater facility.

Pretreatment standards means any regulation containing pollutant discharge limitations promulgated by the United States Environmental Protection Agency or a successor agency or established by state or local laws or regulations.

Priority pollutant means any toxic pollutant regulated under categorical pretreatment standards.

Private wastewater collection and transmission system means a system for the collection, pumping, and conveying of wastewater installed, maintained, operated, and owned by persons other than the city and connected to the public sewer.

Private wastewater disposal system means a system for the collection, treatment, and disposal of wastewater installed, maintained, operated, and owned by persons other than the city and not connected to the public sewer.

Prohibited discharge standards and prohibited discharges mean the absolute prohibition against the discharge of certain substances.

Property owner means the owner of any homes, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city.

Public sewer means a sewer controlled by the city. In general, the public sewer shall include the main sewer in the street, and the service branch from the main sewer to the curb or property line.

Pump panel means the pump electrical control panel installed and utilized as part of a STEP system.

Pump vault means the pump and filter system with internal electrical and plumbing equipment, including level controls, installed and utilized as part of a STEP system.

Receiving waters means that body of water, or watercourse receiving the effluent waters from the water reclamation facility or formed by the waters discharged from the water reclamation facility.

Sanitary sewer means a sewer that carries wastewater and to which stormwater, surface waters and groundwaters are not intentionally admitted.

Self-monitoring means sampling, analysis and monitoring by an industrial user of his regulated discharge at the expense of the user.

Septic tank means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

- (1) A sewer line constructed with solid pipe, with joints sealed, connecting the impervious tank with a plumbing stub out; and
- (2) A subsurface system of piping to drain the clarified effluent from the tank and distribute it underground to be absorbed or filtered.

Septic tank effluent pump (STEP) system means sewage collection system, typically located on the property served by such system, that collects domestic wastewater, retains the solids by means of a tank, and conveys the liquid to a wastewater facility by means of a pump system.

Severe property damage means substantial physical damage to property, damage to the 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.

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

Sewer means a pipe or conduit for carrying wastewater.

Shall is mandatory. (See May.)

Significant industrial user and SIU mean:

- (1) Any industrial user of the city's wastewater treatment and disposal system who is subject to categorical pretreatment standards under F.A.C. 62-625.410 and 40 CFR chapter I, subchapter N; and/or
- (2) Any other industrial user who (i) discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater facility (excluding domestic wastewater, noncontact cooling and boiler blowdown wastewater), or (ii) contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or (iii) is designated as significant by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater facility's operation or violating any pretreatment standard or requirement.
- (3) Upon finding that an industrial user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the wastewater facility's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a request received from an industrial user, and in accordance with F.A.C. 62-625.500(2)(e), determine that the industrial user is not a significant industrial user.

Significant noncompliance and SNC mean one or all of the following:

- (1) Violations of wastewater discharge limits:
  - a. Chronic violations. Sixty-six percent or more of all the measurements for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
  - b. Technical review criteria (TRC) violations. Thirty-three 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 criteria (1.4 for BOD, TSS, total oil and grease, and 1.2 for all other pollutants except pH).
  - c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of wastewater facility personnel or the general public.
  - d. Any discharge of a pollutant that has caused imminent endangerment to human health, safety or welfare or to the environment and has resulted in the control authority's exercise of its emergency authority to halt or prevent such discharge.
- (2) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- (3) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation(s), including but not limited to, a violation of best management practices, that the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Sludge means the accumulated settleable solids separated from liquids, such as water or wastewater, during processing.

Slug means any discharge of wastewater at a flow rate or concentration which could cause a violation of the prohibited discharge standards or any discharge of a nonroutine, episodic nature including, but not limited to, an accidental spill or a noncustomary batch discharge.

State department of environmental protection means a component of the executive branch of the state authorized by F.S. § 20.261.

Storm sewer and storm drain mean a sewer which carries stormwater and surface water and drainage, but excludes wastewater.

STEP system means septic tank effluent pump system.

STEP system application means an application for the installation and connection of a STEP system.

Total suspended solids and TSS mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a), and any amendments to such act, or other federal or state acts.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the industrial user.

User means any person who contributes, causes or permits the contribution of wastewater into the city's wastewater facility.

Waste means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operations of whatever nature, including the waste placed within containers of whatever nature prior to, and for the purpose of disposal.

Wastewater means liquid and water-carried industrial wastes and domestic waste from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, together with any stormwaters, surface waters or groundwaters which may be present, which are discharged into the public sewer or contributed to the wastewater facility.

Wastewater discharge permit means a permit for a user to discharge wastewater to the wastewater facility.

Wastewater facility and WWF mean structures, equipment and processes owned and maintained by the city that are required to collect, carry away, and treat domestic wastewater or industrial wastewater and dispose of the effluent. For the purposes of this article, the term "wastewater facility" shall also include any sewers that convey wastewater to the city's wastewater facility from persons outside the city wastewater service area who are, by contract or agreement with the city, users of the city's wastewater facility.

Water reclamation facility means that portion of a wastewater facility which is designed to provide treatment (including recycling and reclamation) of domestic and industrial wastewater.

(b) Abbreviations. As used in this article, the following abbreviations shall have the meanings ascribed in this subsection:

gpd: Gallons per day.

mg/l: Milligrams per liter.

ppb: Parts per billion.

(Ord. No. 2012-03, § 1, 2-21-2012; Ord. No. 2014-21, § 2, 11-4-2014; Ord. No. 2015-08, § 2, 4-7-2015)

Sec. 78-64. - Connection with sewer system.

- (a) Connection with and use of the services and facilities of the sanitary sewer system is required whenever required by F.S. § 381.0065 or the Florida Administrative Code as they now exist or may be amended, and, in addition, shall be required for any lot or parcel or combination thereof within the city limits, the use of which:
  - (1) Produces an estimated wastewater flow of 600 gallons or less per day, if a gravity sewer line, force main, lift station, or a low pressure sewage collection system exists in a public easement or right-of-way which abuts the property;
  - (2) Produces more than an estimated wastewater flow of 600 gallons per day, if a sewer line, force main, lift station, or low pressure sewage collection system exists in a public easement or right-of-way which abuts the property or is within 100 feet of the property; or
  - (3) Requires development approval. In such instances, connection with the sewer system shall be a condition of development approval pursuant to Part III of this Code.
- (b) The city manager shall have authority to grant variances to the requirements of this section; provided, however, no variance shall be granted to the requirements of the state statutes, Florida Administrative Code, or for commercial or industrial development.

(Ord. No. 2012-03, § 1, 2-21-2012; Ord. No. 2014-21, § 2, 11-4-2014)

Secs. 78-65—78-80. - Reserved.

DIVISION 2. - SEWER USE RESTRICTIONS

Sec. 78-81. - General regulations.

- (a) No person shall discharge into any natural outlet within the city or in any area under the jurisdiction of the city or into the wastewater facility any wastewater or other polluted water except where suitable pretreatment has been provided in accordance with this article or any other national or state pretreatment standards or requirements, whichever is more stringent.
- (b) Unless authorized by the director, no person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool drain or backwash water, uncontaminated cooling water, groundwater remediation discharge, or unpolluted industrial process water into the wastewater facility.

(Ord. No. 2012-03, § 1, 2-21-2012)

Sec. 78-82. - Building sewers and connections.

- (a) All persons shall connect to the public sewer system where the sewer system is reasonably accessible, in accordance with all applicable regulations as delineated in section 78-64. No person shall discharge wastewater into the stormwater system.
- (b) Any person who is required to connect a building sewer to the public sewer, or who wishes to connect even though not required, must apply for and obtain a building sewer permit and comply with all applicable provisions of the standard plumbing code, as adopted by this Code. The county/city building department shall automatically notify the director of any such permit application. In addition, any resident of the Town of Indian River Shores who is required or who wishes to connect to the public sewer shall first notify and receive the permission of the director.

- (1) The director may require any person described in the preceding subsection to provide the director with any plans, specifications, or other information which the director deems relevant.
  - (2) The director can impose such conditions, including the requirement that the actual connection be made in his presence and under his supervision, as he deems necessary to enforce the provisions of this article.
- (c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. No. 2012-03, § 1, 2-21-2012)

Sec. 78-83. - Private wastewater disposal systems; septic tank effluent pump (STEP) system program.

(a) Private wastewater disposal systems.

- (1) Where a public sewer is not available for connection to a building sewer, the owner of the building sewer shall connect the building sewer to a private wastewater disposal system in accordance with this section, section 22-181, and any applicable requirements of the county public health department and the state department of health. The owner shall operate and maintain the private wastewater disposal system in a sanitary manner at all times, at no expense to the city.
- (2) Within 75 days after a public sewer becomes available for connection to a property served by a private wastewater disposal system, the property owner shall directly connect the building sewer to the public sewer in compliance with this Code, including this chapter, and any applicable resolutions. The property owner shall abandon and seal off any septic tanks, cesspools, and similar private wastewater disposal facilities located within or on the property.
- (3) Property owners constructing, operating, and abandoning private wastewater disposal facilities shall comply with all applicable state and local laws and regulations in addition to complying with those requirements expressly stated in this article.
- (4) Commencing January 1, 2016, each owner of a private wastewater disposal system shall cause the pump out of the system on a regular frequency not to exceed every five years. In addition to the pump out, the owner shall have a licensed septic tank contractor perform an inspection of the private wastewater disposal system. For each such inspection the septic tank contractor shall complete a septic tank pumping inspection report in the form specified by the director and file such report with the city within ten business days.

(b) Septic tank effluent pump (STEP) system program.

- (1) Program established. A septic tank effluent pump (STEP) system program is hereby established to facilitate the conversion of properties utilizing private wastewater disposal systems (e.g., septic systems) to a modified septic tank effluent pump (STEP) system and thereby enable an affordable and convenient method for the capture and transmission of effluent to the city wastewater treatment plant for proper treatment and disposal. Each STEP system shall be a component part of the municipal wastewater utility system owned by the city and constructed, connected, operated, and serviced pursuant to the provisions of this section and all other applicable codes, laws, regulations, resolutions, and specifications.
- (2) Ownership/title. All city-provided components of the STEP system and facilities are owned by the city before, during, and after completion of the installation on the real property of each individual property owner, or other utility customer, and title to such components remains with the city. The city consents to transfer of the property owner's individual interest in the subject real property so long as the city's ownership of the STEP system, the access easement required pursuant to this section 78-83, and any outstanding STEP system special assessment or lien are appropriately noticed and reserved in the documents of conveyance.

- (3) Participation voluntary; exceptions. Notwithstanding any provision of this Code to the contrary, participation in the STEP system program and connection to a city low pressure sewage collection system when it becomes available shall not be mandatory except at such time there is a failure of the private wastewater disposal system. In addition, abandonment and sealing of the septic tank and other private wastewater disposal facilities shall not be mandatory upon installation of a STEP system on a property and connection to a city low pressure sewage collection system, but only to the extent such facilities are operational within applicable regulations and specifications and are used in conjunction with the STEP system.
- (4) Application required. Installation of a STEP system shall require submittal and approval of a STEP system application as provided in this subsection (b).
- a. Form of application. The STEP system application shall be in the form prescribed by the director and shall be submitted with copies of all permits and letters of coordination required from all other regulatory agencies together with the applicable fees. The application shall include agreement of the property owners to be bound by and comply with the provisions of this article and all other codes, laws, regulations, and resolutions applicable to STEP systems.
  - b. Persons authorized. The STEP system application shall be signed by all owners of the property subject of the application.
  - c. Approval. Each STEP system application shall be reviewed by and require the approval of the director or his designee to ensure the proposed STEP system installation and operation will comport with all provisions of the STEP system program. Approval of each STEP system application shall be subject to and conditioned on compliance with the provisions of this section and all other applicable codes, laws, regulations, resolutions, and specifications. In addition, city manager approval shall be required if the property owner elects payment of the city STEP system charges and fees by special assessment payments.
- (5) STEP system installation and connection. Installation and connection of a STEP system may proceed only after receipt by the city of a complete application, and payment of applicable charges and fees or approval by the city manager for payment of the charges and fees by special assessment payments, and approval by the director or his designee after finding compliance with the provisions of the STEP system program. Once the application is approved installation and connection of the STEP system may proceed as provided in this section and in conformance with this Code and all other applicable codes, laws, regulations, resolutions, and specifications.
- a. City responsibilities. The city shall provide the following for STEP system installation and connection:
    1. Coordination of the STEP system installation with the property owner and authorized STEP system installer under supervision of the director or his designee.
    2. Engineering documents or drawings necessary for the installation and connection.
    3. The following city STEP system components for installation by the property owner's authorized STEP system installer: (1) pump vault; (2) onsite interceptor tank; and (3) pump panel.
    4. A service connection at the road right-of-way for connection of the STEP system to the wastewater facility.
    5. Inspection of the installation and connections prior to the STEP system being placed into service.
  - b. Property owner responsibilities. The property owner shall provide the following for STEP system installation and connection:

1. Access to the subject property for installation, connection, and inspection of the STEP system and its components.
  2. All required electrical and other applicable building and regulatory permits and related inspections.
  3. Installation by an authorized STEP system installer of all city STEP system components in locations coordinated with the city.
  4. All electrical wiring and connections between the pump panel and the subject property's electrical panel, providing electric service in the appropriate voltage and amperage for operation of the STEP system being installed, together with all other associated electrical upgrades for the subject property necessitated by the STEP system installation.
  5. All electrical wiring and connections for and between the STEP system components including but not limited to wiring and connections between the pump panel and the pump vault necessary to meet the electrical needs of the pump vault components.
  6. Installation of the on-site sewer service line from the pump vault connection to the wastewater facility, and if the STEP system is connected to a drain field, a check valve between the interceptor tank and such drain field.
  7. Repair or replacement of the existing septic tank if after inspection it is found to be in such condition as to be unacceptable for use in conjunction with the STEP system or otherwise defective or out of compliance with any applicable code, law, or regulation.
  8. Restoration of the subject property as necessary after all installations, connections, and related work are complete and passed inspection by the city and all other applicable authorities.
- c. Standard of work. All electrical installation and related work shall be performed by a Florida licensed electrician in conformance with the National Electrical Code ("N.E.C."), Florida Building Code, this Code, and all other applicable laws and regulations. All plumbing installation and related work shall be performed by a Florida licensed plumber and/or a licensed septic tank contractor and/or other contractor licensed to perform such installations and work in conformance with the Florida Building Code, this Code, and all other applicable laws and regulations. Installation of city STEP system components shall be performed only by an authorized STEP system installer in conformance with this section and all applicable codes, laws, regulations, and specifications.
- d. Installation and connection costs.
1. City provided components and services; assessment. The initial charges and fees assessed by the city cover the wastewater utility extension and impact fee and only the ordinary costs for STEP system components, equipment, and services specified in this subsection to be provided by the city for the initial installation, but exclude any extraordinary or additional costs arising from the STEP system installation and connection unique to the subject property. The property owner shall have the option to pay the assessments in a single payment with credit for any available full-payment incentives, or to pay the full assessment by periodic payments. A property owner selecting the option of paying the assessments by periodic payments agrees that payment of the full assessment shall be secured by a special assessment against the subject property which assessment shall be a lien on par with ad valorem taxes and paid as provided in a special assessment lien resolution to be adopted by the city council pursuant to this Code. Such special assessment additionally or in the alternative may be assessed and collected by non-ad valorem assessment on the property owner's annual property tax bill. Upon failure to make any payment when due under such lien resolution or non-ad valorem assessment the unpaid balance may be collected by any means provided by law, in which case all costs of such collection shall be added to the amount due.

2. Property owner provided components and services. The costs for STEP system components, connections, and services specified in this subsection to be provided by the property owner shall be the separate responsibility of and paid directly by the property owner. In addition, the property owner shall be separately responsible for and pay any and all extraordinary or additional costs and expenses that arise out of or from a STEP system installation or connections unique to the subject property.
- (6) STEP system installers; city authorization required. No person or entity shall install any city STEP system without first obtaining authorization from the city pursuant to this subsection.
- a. Form of application. The STEP system installer application shall be in the form prescribed by the director and shall be submitted with copies of all applicable licenses and certificates of insurance together with any applicable fees. The application shall include agreement of the STEP system installer to be bound by and comply with the provisions of this section, the STEP system program, and all other codes, laws, regulations, resolutions, and specifications applicable to STEP systems.
  - b. Persons authorized. The STEP system application shall be signed by all owners, officers, or other representatives with authority to bind the STEP system installer subject of the application.
  - c. Licensing. The STEP system installer's owner or qualifier must possess and maintain in good standing all state, county and city contracting licenses, permits, competency cards and the like required for performance of the contracting work involved in STEP system installations. Failure to maintain and renew all such required licenses can result in immediate suspension or revocation of the STEP system installer's authorization.
  - d. Training. The STEP system installer's owner(s), qualifier(s), and personnel supervising or performing STEP system installations shall participate in equipment installation training provided by the city before the STEP system installer may be approved and before any STEP system installation is commenced by the STEP system installer. Such STEP system installer's personnel must participate in training updates as required by city from time to time, but no less than annually before renewal of the STEP system installer's authorization by the city.
  - e. Insurance. The STEP system installer must provide with the application for authorization a certificate of insurance issued to the city showing all insurance coverage maintained by STEP system installer. Such insurance shall include at a minimum coverage for general commercial liability; automobile liability; and workers' compensation. Evidence of renewal of each policy of insurance shall be filed with the city before expiration in order to keep the STEP system installer's authorization in effect. Failure to maintain and renew the required insurance can result in immediate revocation of the STEP system installer authorization.
  - f. Approval. Each STEP system installer application shall be reviewed by and require the approval of the director or his designee to ensure the proposed STEP system installer comports with all provisions of the STEP system program. Approval of each application and authorization of each STEP system installer shall be subject to and conditioned on compliance with the provisions of this section and all other applicable codes, laws, regulations, resolutions, and specifications.
  - g. Term of authorization; renewal. Each STEP system installer authorization is valid for one year from the date of approval, subject to suspension or revocation by the director for failure to comply with any applicable requirements. Such authorization may be renewed with the approval of the director or his designee so long as the STEP system installer is in compliance with all requirements of this section and all other applicable codes, laws, regulations, and resolutions.
  - h. STEP system installer authorization; contracting. City authorization solely grants the STEP system installer permission to install city STEP systems comprised of city-owned components and equipment. All installations shall be coordinated with the city water and

sewer department and be in conformance with this section, city specifications, and all other applicable codes, laws, regulations, and resolutions. All contracting for STEP system installation work shall be directly between the STEP system installer and each individual property owner(s) that has made application to the city and been approved by the director or his designee for a city STEP system on their property. The city is not a party to any such contract and shall not under any circumstances be responsible for either the STEP system installer's or the property owner's performance under the installation contract nor for any sums due the STEP system installer from the property owner.

- i. Responsibility for STEP system equipment; indemnification. The STEP system installer is responsible for safekeeping and proper handling and installation of all city STEP system components and equipment from the time of taking possession through final approval and acceptance of the completed STEP system by the city. The STEP system installer agrees to indemnify and hold the city harmless for any loss of or damage to such components and equipment at any time during such period, including but not limited to replacement or repair such city components or equipment.
  - j. Construction permits and approvals. The STEP system installer is responsible for obtaining or causing the property owner to obtain all building permits, other applicable permits, inspections, and approvals necessary for construction and installation of each STEP system, including the director's approval for each STEP system installation.
- (7) STEP system operation and maintenance. Except as otherwise provided in this section, once the STEP system has passed inspection and is placed into service, it shall be operated and maintained as provided in this section and otherwise in conformance with this Code and all other applicable laws and regulations.
- a. City responsibilities. The city shall provide the following for STEP system operation and maintenance:
    - 1. Periodic maintenance of the STEP system components furnished by the city, including but not limited to periodic removal of solids from the on-site interceptor tank.
    - 2. Periodic removal of solids from the property owner's septic tank, if applicable.
    - 3. Inspection of the STEP system or any of its components and connections from time to time as deemed appropriate by the director.
    - 4. Repair and/or replacement of a malfunctioning city STEP system component of which the city water and sewer department has been notified or otherwise has knowledge and which component was supplied by the city pursuant to this section, except as otherwise provided herein.
    - 5. Notice to the property owner of any STEP system component malfunction of which the city water and sewer department has knowledge and for which the property owner is responsible for repair and/or replacement.
  - b. Property owner responsibilities. The property owner shall provide the following for STEP system operation and maintenance:
    - 1. A continuous and uninterrupted supply of electric current to the STEP system pump panel and the other electrically operated components except when temporary interruption is necessary for maintenance or repairs or such interruption is beyond the control of the property owner.
    - 2. Access to the subject property for inspection, maintenance, repairs, or replacements of the STEP system and any of its components or connections, including maintenance of a clear area around all STEP system components so as to keep such components readily accessible and unobstructed at all times as provided in this article.

3. Repair and/or replacement of the septic tank if found to be defective or otherwise out of compliance with any applicable code, law, or regulation after inspection by the city or other applicable authority.
  4. Maintenance and repair of the building drain and building sewer so as to keep it in properly functioning condition.
  5. Maintenance and repair of all electrical wiring, circuitry, components, and connections, excluding the internal pump vault wiring and connections.
  6. Prompt notice to the city water and sewer department of any malfunction in the STEP system or any of its components.
  7. Repairs and replacements satisfactory to the director to correct any excessive infiltration/inflow found by the director to be entering the STEP system.
- c. Operation and maintenance costs.
1. City. Monthly fees and charges for wastewater utility service shall include and cover the ordinary cost for those STEP system maintenance and repair functions specified in this subsection to be provided by the city, but exclude any extraordinary costs for or arising from STEP system operation, maintenance, or repair unique to the subject property and the cost of repairs or replacements resulting from the negligent or willful actions or inactions of the property owner, any tenant, or any third-party.
  2. Property owner. In addition to payment or causing payment for all applicable utility charges as they become due, including but not limited to monthly wastewater utility service fees and charges and electric costs for operation of the STEP system, the property owner, and the utility customer if not the property owner, shall be separately responsible for and pay or cause payment of all costs and expenses for STEP system operation, maintenance, and repairs not included in and covered by the monthly fees and charges for wastewater utility service as specified in subsection 1. above. Such separate costs and expenses include, but are not limited to, those property owner operation and maintenance functions specified in this section. The property owner, and the utility customer if not the property owner, shall also be separately responsible for and pay or cause payment of any and all extraordinary costs and expenses arising from STEP system operation or maintenance unique to the subject property and the cost of repairs and replacements resulting from the negligent or willful actions or inactions of the property owner, any tenant, or any third-party.
- d. Failure to maintain electric; discontinuance of water service. In any instance in which the supply of electric to the STEP system pump panel or other electrically operated STEP system component is interrupted, whether by disconnection of electric utility service or otherwise for any reason, except when temporary electric interruption is necessary for maintenance or repairs or such interruption is beyond the control of the property owner or utility customer, the city may but is not required to disconnect or otherwise discontinue water service to the subject property regardless of whether or not water utility service charges are paid. Such discontinuance of water utility service shall be restored once the supply of electric current and operation of the STEP system has been restored so long as the water utility service is not otherwise subject to disconnection due to non-payment or other discrepancy. The property owner or the utility customer responsible shall pay or cause payment of any and all charges and fees arising from such disconnection and reconnection of water service.
- (8) STEP system modifications. No changes or modifications shall be made to the STEP system or its location or any of its component parts or connections after the STEP system installation and connection is inspected and approved by the city for operation unless such change or modification is in conformance with city specifications and approved in writing by the director. The property owner shall cause the property owner's STEP system installer to coordinate all such work with the city water and sewer department. All costs and expenses associated with

such changes, modifications, or relocation shall be the responsibility of and promptly paid by the property owner, including, but are not limited to, all costs of the work and all costs of city material, labor, and engineering, administrative, and legal services.

- (9) Access easement. By application for and participation in the STEP system program, the property owner grants to the city and its employees, agents, contractors, and subcontractors an access easement on and across the subject property and extending five feet from all STEP system components for access to the STEP system and shall execute a corresponding easement deed evidencing such easement in appropriate form for recording in the public records. The city manager is authorized to accept conveyance of such easements on behalf of the city. The property owner shall cause and keep the area around all STEP system components readily accessible and unobstructed at all times. For purposes of this subsection the term "accessible and unobstructed" means that no structures, plantings, fencing, or other improvements or fixed objects shall be constructed, installed, or placed on, above, in, or below the property within five feet of STEP system components, excluding those installations necessary and a part of the STEP system or its connections. The city may remove or cause removal of, at property owner expense and with no liability to the city, any such encroachment found by the city to inhibit or otherwise interfere with access to the STEP system or any of its components or connections. The property owner shall be responsible for any property restoration after such removal. City employees, agents, contractors, and subcontractors shall have the right of ingress and egress over the subject property at all reasonable hours to perform any and all installations, connections, inspections, maintenance, and repairs associated with the STEP system. For purposes of this subsection "reasonable hours" means all daylight hours and hours after daylight for which an appointment has been made or any time when immediate repairs are necessary as determined by the city. The property owner shall provide to the city and its agents, contractors, and subcontractors all necessary clearances and gate codes, if any, in order to obtain access to the subject property.
- (10) Release and indemnification. By application for and in consideration of the grant of participation in the STEP system program, the property owner agrees to and shall release, indemnify, and hold harmless the city, its elected officials, officers, employees, and agents from any claim for loss, damage, or injury to any real or personal property or to any person which loss, damage, or injury may directly or indirectly be related to or arise in any way out of the installation, connection, inspection, operation, maintenance, or repair of the STEP system or entry on the subject real property by the city, or any city employee, agent, contractor, or subcontractor in performance of their duties.

(Ord. No. 2012-03, § 1, 2-21-2012; Ord. No. 2014-21, § 2, 11-4-2014; Ord. No. 2015-08, § 3, 4-7-2015; Ord. No. 2015-24, § 2, 9-1-2015)