

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING SECTION 58-176, DEFINITIONS TO PROVIDE FOR A DEFINITION OF "FOOD SERVICE ESTABLISHMENT" AND "GREASE WASTE HAULER"; AMENDING SECTION 58-268 TO PROVIDE FOR RECORD KEEPING AND INSPECTIONS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of West Melbourne owns and operates a wastewater system as part of the City utilities network, and

WHEREAS, accumulation of fats, oil and grease in the wastewater system and lift stations causes blockages and reduces the lifespan of the equipment, and

WHEREAS, establishment of a fats, oils and grease (FOG) ordinance will create awareness, increase compliance and allow the City to have the cost of such program reimbursed by the responsible parties.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

Section 1. Section 58-176 of Chapter 58 of the Code of Ordinances of the City of West Melbourne, Florida is hereby amended to read as follows:

"Sec. 58-176. Definitions.

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:

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"Food service establishment" or "establishment" or "FSE". Any business or food service establishment, which prepares, processes, and/or packages food for sale or consumption, on or off site, with the exception of private residences. Food service establishments shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, delicatessens, bakeries, retail and wholesale meat markets, retail and wholesale seafood markets, lounges, hospitals, nursing homes, assisted congregate living facilities, churches, schools, and all other food service facilities not specifically listed above. For the purpose of this division, food service establishment

shall not include a facility that only prepares beverages; or an establishment that only sells prepackaged foods.

Force main means a pipeline on the discharge end of a pump carrying flow under pressure.

Grease or fats means any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

"Grease waste hauler". A person who collects the contents of a grease interceptor or grease trap and transports it to an approved grease recycling or grease disposal facility. A grease waste hauler may also provide other services to a food service establishment related to grease interceptor maintenance.

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Section 2. Section 58-268 of Chapter 58 of the Code of Ordinances of the City of West Melbourne, Florida is hereby amended to read as follows:

“Sec. 58-268. Conditions.

(a) Terms and conditions as may be required by the council in the issuance of a permit under this division are as follows:

(1) A limitation upon the volume of sewage and the rate of flow permitted from the premises.

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(7) The installation and maintenance by the permittee, at his own expense, of grease, oil and sand interceptors or traps that are necessary for the proper handling of liquid wastes containing excessive amounts of sand, grease or oil waste and other harmful ingredients, except that such interceptors or traps shall not be required for private living quarters or dwelling units. All interceptors or traps shall be of an approved type and capacity and shall be so located as to be readily and easily accessible for cleaning and inspection. FSE's that install interceptors or traps shall clean and maintain such devices on a regular and as needed basis, and shall keep records of the dates of such maintenance, the identity of the grease waste hauler that removed the material from such traps and interceptors, and notify the city of such maintenance in a manner determined by the city. FSE's shall provide such records to the city upon request. The city shall have the right to inspect such interceptors and traps upon 24 hours notice to the FSE or immediately, if circumstances exist that indicate that the system has failed, and order the FSE to perform the necessary maintenance if the city inspection determines that such maintenance is necessary to protect the city's public sewer system.

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Section 3. Severability/Interpretation Clause. In the event that any term, provision, clause or section of this ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, and such invalidity, or illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this ordinance, and this ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

Section 4. That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

Section 5. It is the intention of the City Council of the City of West Melbourne that the provisions of this ordinance shall be made a part of the City of West Melbourne Code of Ordinances and the sections be renumbered to accomplish such intention.

Section 6. That this Ordinance shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 5th day of March 2013.



Hal J. Rose, Mayor

ATTEST:

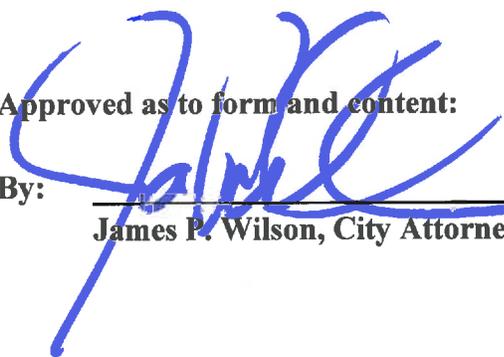


Cynthia S. Hanscom, City Clerk

1st Reading: February 19, 2013

2nd Reading: March 5, 2013

Approved as to form and content:



By: _____
James P. Wilson, City Attorney