



# **CITY OF PARKER**

## **City Hall**

**1001 West Park Street**

**Phone 850-871-4104**

**[www.cityofparker.com](http://www.cityofparker.com)**

### **Mayor**

Rich Musgrave

### **Clerk**

Nancy Rowell

### **Council Members**

Mike Miller, Mayor Pro Tem

Ron Chaple

John Haney

Ken Jones

### **Attorney**

Tim Sloan

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## **PUBLIC NOTICE**

### **REGULAR MEETING**

**OF**

### **THE CITY OF PARKER COUNCIL**

**October 17, 2017**

**5:30 PM**

**PARKER CITY HALL**

NOTE: AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY OF PARKER COUNCIL ALSO SITS, AS EX OFFICIO, AS THE CITY OF PARKER COMMUNITY REDEVELOPMENT AGENCY (CRA) AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT CAPACITY.

## **AGENDA**

**CALL TO ORDER** - Mayor Musgrave

**INVOCATION** – Wing Chaplain Major Lief Espeland, USAF

**PLEDGE OF ALLEGIANCE** - Mayor Pro Tem Miller

**ROLL CALL**

**APPROVAL OF MINUTES** - City Council

Regular Meeting October 3, 2017

**ITEMS FROM THE AUDIENCE (non-agenda items)**





## **REGULAR AGENDA**

1. **Presentation on keeping natural waters clean and the National Pollutant Discharge Elimination System (NPDES)—Dewberry and Public Works Supervisor Summerlin**

2. **Second Reading of Ordinance No. 2017-378—Contracting and Bidding—City Attorney Sloan**

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES RELATED TO EXCEPTIONS TO CONTRACTING AND BIDDING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **First Reading of Ordinance No. 2017-379—Sewer Use and Pretreatment Standards—Public Works Supervisor Summerlin and City Attorney Sloan**

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED) CODIFYING ORDINANCE 96-217, AS AMENDED, REGARDING SEWER USE REGULATIONS, PROVIDING FOR CERTAIN AMENDMENTS TO VARIOUS PROVISIONS OF CHAPTER 82, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF PARKER; REVISING DEFINITIONS AND TECHNICAL TERMS; UPDATING STATE AND FEDERAL RULE REFERENCES; PROVIDING FOR INSPECTIONS; REVISING PENALTIES AND ADMINISTRATIVE ENFORCEMENT PROCEDURES; INCORPORATING CHANGES IN DISCHARGE STANDARDS, LOCAL LIMITS AND PROHIBITIONS; PROVIDING FOR DISCHARGE PERMITS; UPDATING PRETREATMENT STANDARDS; INCORPORATING REPORTING REQUIREMENTS; REORGANIZING CERTAIN SECTIONS OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.



**4. First Reading of Ordinance No. 2017-380—Medical Marijuana—Planning  
Commission Chairman Valle and City Attorney Sloan**

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING ORDINANCE 2012-358, AS AMENDED, ADOPTING BY REFERENCE THE CITY'S COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION CODE; AMENDING VARIOUS SECTIONS OF THE CITY'S COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION CODE INCLUDING DEFINITIONS AND PROHIBITED USES WITHIN A MIXED USE-ONE (MU-1) LAND USE DISTRICT; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

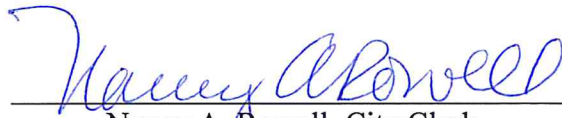
**MAYOR'S REPORT**

**COMMENTS AND ANNOUNCEMENTS - Council**

**ADJOURNMENT**

**Upcoming Events**

- Veterans' honored by a holiday on Friday, November 10, 2017 (offices closed)
- Next Regular City Council Meeting is November 7, 2017 at 5:30 pm
- Next Planning Commission Meeting is November 14, 2017 at 5:00 pm

  
\_\_\_\_\_  
Nancy A. Rowell, City Clerk

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceeding and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the City Clerk at 1001 West Park Street, Parker, Florida 32404; or by phone at (850) 871-4104. If you are hearing or speech impaired and you have TDD equipment, you may contact the City Clerk using the Florida Dual Party System, which can be reached at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD). ALL INTERESTED PERSONS DESIRING TO BE HEARD ON THE AFORESAID agenda are invited to be present at the meeting.





**MINUTES  
REGULAR MEETING  
PARKER CITY COUNCIL  
October 3, 2017  
5:30 p.m.**

Mayor Musgrave called the meeting to order at 5:30 p.m.

Mayor Musgrave gave the Invocation.

Mayor Pro Tem Miller led the Pledge of Allegiance.

**Present:** Council Members Chaple, Haney, Jones, Miller and Mayor Musgrave

**Also Present:** City Clerk Rowell, City Attorney Sloan and Police Chief Hutto

Mayor Musgrave asked the Council's agreement to add a new Item #5—SRF Sewer System Project Change Order and they agreed to add the item.

**APPROVAL OF MINUTES**—On motion of Council Member Haney and second of Council Member Chaple, the minutes of the Special Council Meeting of September 21, 2017 were approved, 5 ayes, 0 nays.

**ITEMS FROM THE AUDIENCE**—James Haskins of 633 N. 9<sup>th</sup> Plaza addressed the Council asking to replace the canvas cover on a temporary carport in the front yard. After explaining the requirements of the LDR, the Council told Mr. Haskins that he could not replace the cover and that the pole structure of the temporary carport needed to be removed.

**REGULAR AGENDA**

1. **Tuition Reimbursement Program**—City Clerk Rowell noted that the documents before the Council included changes to include recovery of attorney's fees if needed in collecting amounts due the City and to exclude employees in DROP and those in master's- or doctoral- level studies. She said she had missed the change to cap annual reimbursement to \$3,500 per year. After review of the material, Council Member Haney made a motion to adopt the program, to include the \$3,500 cap. Council Member Jones seconded the motion and it passed, 5 ayes, 0 nays.

2. **Amendment to Agreement for Legal Services**—City Clerk Rowell introduced the item stating that she had reviewed other cities' fees for legal services; that most pay a retainer and an hourly rate; that Parker's existing agreement was last amended with an hourly increase eleven years ago; that the proposed change from \$200 to \$250 hourly would not impact the new budget for 2017-2018. City Attorney Sloan asked the Council for a raise after 11 years. Council Member Haney noted that it would be impossible to find another attorney with the kind of knowledge of the City that Mr. Sloan has. Council Member Jones made a motion to adopt the amendment to the legal services contract to increase hourly rates, and Council Member Haney seconded the motion. The motion passed, 5 ayes, 0 nays.



**CLERK'S REPORT**—City Clerk Rowell said that: 1) the evaluation and appraisal of the Comprehensive Plan was complete and would go to the Planning Commission for its review; 2) Mexico Beach and Panama City Beach were considering a fire assessment; 3) Lynn Haven was having a blood drive on October 10<sup>th</sup> for storm victims; 4) City of Panama City plans to be in new City Hall by end of May; 5) Casey did a excellent job with budget and is closing out last fiscal year and has the books set up for new fiscal year; 6) auditors have already requested information to begin audit of FY 2016-2017; 7) insurance policies are closing and new ones going into effect; and, 8) City Attorney Sloan and his staff have identified numerous files for proper disposal under Florida Public Records law.

**MAYOR'S REPORT**—Mayor Musgrave reported that: 1) the new electronic-message sign at the Sports Complex was static because the remote wireless portion had not been set up yet, that our technical person was waiting on the sign company to show up and that no payment had been made yet; 2) Public Works Supervisor Summerlin had found a bucket truck in very good shape for \$21,000 and would purchase it; 3) the City's 50<sup>th</sup> birthday party had a about 400 attendees and raised approximately \$1,900 for the Parker History Museum; 4) that new time capsule items would be solicited from the community; 5) the Tree Lighting Ceremony would be December 8<sup>th</sup> from 4 – 7 pm.

**COMMENTS AND ANNOUNCEMENTS**—Council Member Chaple suggested making sure the City had a well-functioning sound system for events. Council Member Haney asked Public Works to review signage and add new/additional signs as needed to advise a low noise level and hours of operation. Council Member Miller asked the status of league play, cricket fields and the dog park. Mayor Musgrave said sometime in November would be grand opening and that Frisbee and football leagues are still practicing in the park. City Clerk Rowell reported that Public Works Supervisor Summerlin had told the interested parties “no” because a cricket field needs concrete in the center.

**ADJOURNMENT**—The meeting was adjourned at 6:06 p.m.

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Nancy A. Rowell, City Clerk







## CITY OF PARKER

### AGENDA ITEM SUMMARY

**1. DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:**

Public Works

**2. MEETING DATE:**

October 17, 2017

**3. REQUESTED MOTION/ACTION:** Hear from Public Works Supervisor Summerlin and Dewberry about how the National Pollutant Discharge Elimination System (NPDES) is working at the local level.

Understand and be aware of the importance of clean water requirements being followed by our City and our citizens.

**4. IS THIS ITEM BUDGETED (IF APPLICABLE)**

YES

☐

NO

☐

N/A

☒

**5. BACKGROUND: (PROVIDE HISTORY; WHY THE ACTION IS NEEDED; WHAT GOAL WILL BE ACHIEVED FOR THE CITY)**

The City is required to maintain a permit to discharge our stormwater into State waters (St. Andrews Bay, East Bay, Pitts Bayou, Pratt Bayou, Parker Bayou and Martin Lake/Martin Bayou). We must participate in, and require from our citizens, certain practices to keep the stormwater that is discharged clean and non-polluting to the receiving waters.



## National Pollutant Discharge Elimination System (NPDES) Permit Program

### What is NPDES?

The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States.

Created in 1972 by the Clean Water Act, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program.



1 2 3 4

### What does NPDES regulate?

- Point source discharges of pollutants into a water of the United States

### Where do point source discharges come from?

- Industrial Activities
- Municipalities
- Agricultural Activities (CAFO)

### What is a pollutant?

- Any type of waste generated by the sources listed above including sediments, nutrients, combined sewer overflows, chemicals, solid waste, stormwater, sewage, etc.







### Why is NPDES Program Important?

- Sedimentation in waterways prevents growth of vegetation, destroys habitat and causes declines in fish populations.
- Sedimentation also increases the cost of treating surface waters for drinking and creates odor/taste problems.
- Nutrients released by agricultural discharges can cause algae blooms which disrupt oxygen levels in waterways.
- Industrial discharges of chemicals can be toxic to aquatic life and to people and also increase the cost of water treatment for consumption.



1970 photo of sedimentation in Mobile Bay taken by NASA's Skylab prior to implementation of the Clean Water Act

NPDES Program to Reduce  Pollution  
= Increase  Water Quality



## NPDES Municipal Source (MS)4 Program

- Phase I - November 16, 1990 (effective December 17, 1990)
  - Medium and large municipal separate stormwater sewer systems (MS4s)
  - Industrial activity, including large construction activity (5 acre or greater)
- Phase II – December 8, 1999 (effective February 7, 2000)
  - Small MS4s (**City of Parker**)
  - Small Construction activity (Greater than one acre and less than 5 acres)
  - No Exposure (industrial activity)

### National Map of Regulated MS4s



#### Phase I MS4s

The 1990 Phase I regulation requires medium and large cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges.

There are approximately 855 Phase I MS4s covered by 250 Individual Permits

#### Phase II MS4s

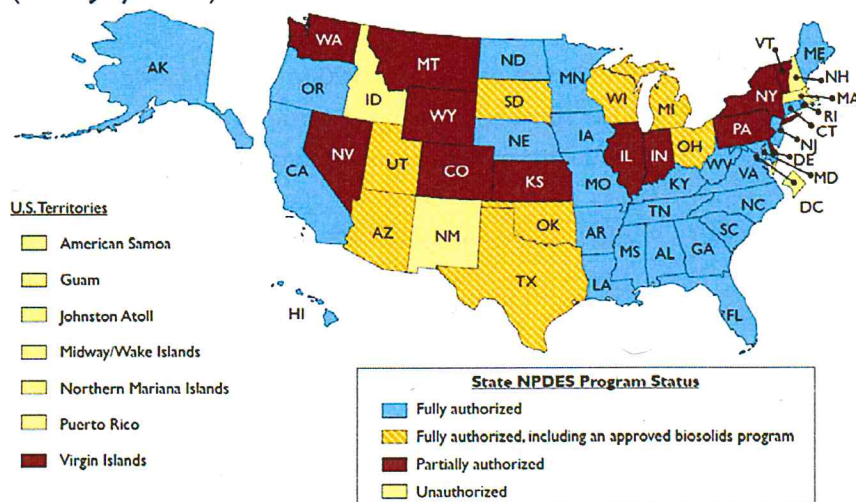
The 1999 Phase II regulation requires small MS4s in U.S. Census Bureau defined urbanized areas, as well as MS4s designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges. Phase II also includes non-traditional MS4s such as public universities, departments of transportation, hospitals and prisons.

Most of the 6,695 Phase II MS4s are covered by statewide General Permits, however some states use individual permits. There are three Watershed Permits that cover 3 Phase I and 40 Phase II MS4s.



## NPDES Program Authorizations

(as of July 2015)



## SIX MS4 Program Elements

### 1 Public Education and Outreach

Distributing educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality.

### 3 Illicit Discharge Detection and Elimination

Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).

### 5 Post-Construction Runoff Control

Developing, implementing, and enforcing a program to address discharges of post-construction stormwater runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g., wetlands) or the use of structural BMPs such as grassed swales or porous pavement.

### 2 Public Participation/Involvement

Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a stormwater management panel.

### 4 Construction Site Runoff Control

Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb 1 or more acres of land (controls could include silt fences and temporary stormwater detention ponds).

### 6 Pollution Prevention/Good Housekeeping

Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).



## Developing an MS4 Program

- Develop and enforce a stormwater management program (SWMP)
- The SWMP describes how the MS4 will reduce discharge of pollutants from municipal system
- Addresses specific program areas:
  - Construction Site Runoff Control
  - Illicit discharge detection and elimination
  - Pollution prevention/good housekeeping
  - Post-construction Runoff Control
  - Public Education and outreach
  - Public Involvement/Participation
  - Program Effectiveness
  - Total Maximum Daily Loads (TMDLs)  $TMDL = SWLA + SLA + MOS$



## Overview of City of Parker's SWMP Goals

### Element No. 1 - Public Education and Outreach

Communicate via quarterly newsletters. Provide City brochures.



# Overview of City of Parker's SWMP Goals

## Element No. 2 – Public Involvement & Participation

Present aspects of the NPDES and SWMP programs annually. Document and report public meetings and number of attendees.

# Overview of City of Parker's SWMP Goals


## Element No. 3 – Illicit Discharge Detection/Elimination

Document/report number of outfalls, questions, concerns. Visually survey outfalls for non-stormwater flows. Document/report illicit discharges. Newsletters for recycling and illicit discharges. Document number of business license applications.



## Overview of City of Parker's SWMP Goals


### Element No. 4 – Construction Site Stormwater Runoff Control



Applications for development permits will be updated for consistency with requirements. Document/report all major developments and number of active sites working under policy. Document number of construction site plans reviewed for erosion and sedimentation control. Document public comments and Complaints received. Create procedures for site inspection. Document enforcement actions. Perform at least one inspection for each major development. Document procedure for review for each major development.

## Overview of City of Parker's SWMP Goals

### Element No. 6 – Pollution Prevention/Good Housekeeping



State number of priority areas established. Inspect and/or clean inlet manholes/grates quarterly. Create standard of procedures for swale maintenance and document/report when performed. Review/update SOP. Record miles swept annually. Fleet maintenance and documentation of response to address maintenance to avoid leaks of waste fluids/chemicals.

## City of Parker's Receiving Water Bodies

- Parker Bayou
- Martin Bayou
- Pitts Bayou
- East Bay
- Pratt Bay



Questions? Comments? Concerns?





# NOTICE OF INTENT TO USE GENERIC PERMIT FOR DISCHARGE OF STORMWATER FROM PHASE II MUNICIPAL SEPARATE STORM SEWER SYSTEMS (RULE 62-621.300(7)(b), F.A.C.)

For FDEP Internal Use Only  
 Permit ID: FLR \_\_\_\_\_

## INSTRUCTIONS:

- This NOI must be completed and submitted to the Department to authorize use of the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems ("MS4 GP"), provided in Rule 62-621.300(7)(a), F.A.C.
- The type of municipal separate storm sewer system that qualifies for coverage under the MS4 GP and the applicable Phase II MS4 stormwater management program requirements are specified in the permit. You should familiarize yourself with the MS4 GP before completing this NOI.
- Submit this fully completed NOI, permit fee, and required attachments by mail to the address in the box at right. **DO NOT SUBMIT** any materials not in the checklist in Section V. of this NOI.
- Please print or type information in the appropriate areas below and complete each section.

**Submit NOI, permit fee, and required attachments to:**  
 NPDES Stormwater Notices Center  
 M.S. #2510  
 Florida Department of  
 Environmental Protection  
 2600 Blair Stone Road  
 Tallahassee, FL 32399-2400

SECTION I. PHASE II MS4 OPERATOR INFORMATION			
<b>A.</b>	Name of the Phase II MS4 Operator City of Parker, Florida		
<b>B.</b>	Name of the Phase II MS4 Responsible Authority: Richard Musgrave		
	Title: Mayor		
	Mailing Address: 1001 West Park Street		
	City: Parker	Zip Code: 32404	County: Bay
	Telephone Number: 850-871-4104		
<b>C.</b>	Name of the Designated Phase II MS4 Stormwater Management Program Contact: Nancy Rowell		
	Title: City Clerk		
	Department: Clerks Office of City Hall		
	Mailing Address: 1001 West Park Street		
	City: Parker	Zip Code: 32404	County: Bay
	Telephone Number: 850-871-4104		
	E-mail Address: narowell@cityofparker.com		
<b>D.</b>	Location of the Phase II MS4 (if different than the mailing address in Section I.C. above):		
	Street Address:		
	City:	Zip Code:	County:
<b>E.</b>	Approximate center of the Phase II MS4:		
	Latitude: 30 ° 07 ' 52 "	Longitude: 85 ° 35 ' 58 "	
<b>F.</b>	Phase II MS4 ownership status (check one): <input checked="" type="checkbox"/> Public <input type="checkbox"/> State <input type="checkbox"/> Federal		
<b>G.</b>	Total resident population of the Phase II MS4: 4,317		
<b>H.</b>	Name of the urbanized area(s) the Phase II MS4 is located within (if applicable): Panama City		
<b>I.</b>	Name of the Water Management District the Phase II MS4 is located within (check all that apply):		
	<input checked="" type="checkbox"/> Northwest Florida Water Management District	<input type="checkbox"/> Southwest Florida Water Management District	
	<input type="checkbox"/> Suwannee River Water Management District	<input type="checkbox"/> St. John's River Water Management District	
	<input type="checkbox"/> South Florida Water Management District		





## SECTION II. SHARING RESPONSIBILITY

You may rely on another entity to satisfy some or all of your permit obligations if the conditions in Part IX of the MS4 GP are met. Another entity may implement one or more of the measures and/or a component of a measure on your behalf. You may rely on another entity to satisfy all permit obligations (including annual reporting) but only if the entity is permitted under Chapter 62-624, F.A.C. Note the following:

- You will remain responsible for compliance with your permit obligations if the other entity(ies) fails to implement the control measure(s) or a component thereof on your behalf. You must establish a written agreement with the other entity(ies) before submitting this NOI.
- Relying on another entity, or entities, either partially or fully does not preclude you from the obligation to fully complete this NOI, including the information required in Section IV.

A.	1.	Has another entity, regulated under Chapter 62-624, F.A.C., agreed to implement <u>all</u> of your permit obligations on your behalf? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	If yes, complete Section II.A.2. If no, skip to Section II.B.			
	2.	Name of Entity:		
	Contact Name:			
	Title:			
	Department:			
	Mailing Address:			
	City:		Zip Code:	County:
	Telephone Number:			
	E-mail Address:			
B.	1.	Has another entity agreed to implement one or more of the minimum control measures (or a component thereof) on your behalf? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	If yes, complete Sections II.B.2. and II.B.3. (See the note below for any additional entities)			
	2.	Control measure(s) or component of a control measure to be implemented by the other entity:		
	3.	Name of Entity:		
	Contact Name:			
	Title:			
	Department:			
	Mailing Address:			
	City:		Zip Code:	County:
	Telephone Number:			
E-mail Address:				

**Note:** For each additional entity sharing stormwater management program responsibilities with you, provide on a separate sheet the information requested in Sections II.B.2. and II.B.3. Title the sheet "Section II.B: Additional Entities Information" and attach it to this NOI.

## SECTION III. RECEIVING WATERS

Identify the named receiving waterbodies to which your Phase II MS4 discharges. Include all such waterbodies known to you at the time of this application:

Parker Bayou		
Martin Bayou		
Pitts Bayou		
East Bay		
Pratt Bay		





#### SECTION IV. MINIMUM CONTROL MEASURES

- A.** Complete the Phase II MS4 Stormwater Management Program (SWMP) Elements Form in Appendix A for each minimum control measure described in Part VI. of the MS4 GP, except the Post-construction Stormwater Management in New Development and Redevelopment minimum control measure if you have chosen the qualifying alternative program option for this measure under Part X. of the permit. If you choose, however, to implement BMPs for the Post-construction measure, please complete a SWMP Elements Form for the measure.

Include in the SWMP Elements Form all best management practices (BMPs) currently in place or planned for each element of each minimum control measure. There is no limit to the number of BMPs you may include. Make copies of the form as necessary to accommodate all of your BMPs. The completed forms, in their entirety, will be considered by the Department to be the outline of your proposed stormwater management program. Attach all completed forms to this NOI.

- B.** Provide the total number of pages of SWMP Elements Forms that are attached to this NOI for each minimum control measure:

<u>Minimum Control Measure</u>	<u># of Pages</u>
Public Education and Outreach as to Stormwater Impacts	<u>1</u>
Public Involvement/Public Participation	<u>1</u>
Illicit Discharge Detection and Elimination	<u>1</u>
Construction Site Stormwater Runoff Control	<u>2</u>
Post-construction Stormwater Management in New Development and Redevelopment	<u>-</u>
Pollution Prevention/Good Housekeeping for Municipal Operations	<u>2</u>

#### SECTION V. MATERIALS TO BE SUBMITTED WITH THIS NOI

Only the following materials are to be submitted to the Department along with your fully completed and signed NOI (check the appropriate box to indicate whether the item is attached or is not applicable):

<u>Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>		The permit application fee, as prescribed by Rule 62-4.050(4)(d)(6), F.A.C. Make all check and money orders payable to the Florida Department of Environmental Protection.
<input checked="" type="checkbox"/>		A fully completed Phase II MS4 Stormwater Management Program Elements Form (see Appendix A) for <u>each</u> minimum control measure except the Post-construction Stormwater Management in New Development and Redevelopment minimum control measure if you have chosen the qualifying alternative program option for this measure under Part X. of the MS4 GP.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Additional entities information, as required under the note in Section II.B. of this NOI.

#### **DO NOT SUBMIT ANY OTHER MATERIALS**

(such as your complete Stormwater Management Plan, ordinances, storm sewer map, public outreach, etc.)

#### SECTION VI. CERTIFICATION STATEMENT AND SIGNATURE

*The Responsible Authority listed in Section I.B. of this NOI must sign the following certification statement:<sup>1</sup>*

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name of Phase II MS4 Responsible Authority (type or print): Richard Musgrave

Title: Mayor

Signature: \_\_\_\_\_ Date:   /  /  

<sup>1</sup> Signatory requirements are contained in Rule 62-620.305, F.A.C.





**INSTRUCTIONS FOR APPENDIX A  
PHASE II MS4 STORMWATER MANAGEMENT PROGRAM (SWMP) ELEMENTS FORM**

**General Instructions**

- Complete this form for each minimum control measure described in Part VI. of the Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems ("MS4 GP") provided in Rule 62-621.300(7)(a), F.A.C., except the Post-construction Stormwater Management in New Development and Redevelopment minimum control measure if you have chosen the qualifying alternative program option for this measure under Part X. of the permit. If you choose, however, to implement BMPs for the Post-construction measure, please complete a SWMP Elements Form for the measure.
- Include all best management practices (BMPs) currently in place or planned for each element of each minimum control measure. There is no limit to the total number of BMPs you may include.
- Make copies of the form as necessary to accommodate all of your BMPs.
- The completed forms, in their entirety, will be considered by the Department to be the outline of your proposed stormwater management program. Attach the forms to the NOI and submit to the Department at the address provided on the NOI.
- Please print or type information in the appropriate areas of this form.

**Section A.I: MINIMUM CONTROL MEASURE**

- Indicate which minimum control measure the BMPs in Section A.II. address. Check only one measure. Use a separate form for each measure.

**Section A.II: BEST MANAGEMENT PRACTICES**

- Include BMPs only for the measure you have identified in Section A.I. The Department encourages the use of the Florida Land Development Manual: A Guide to Sound Land and Water Management (FDER, 1988) and the U.S. Environmental Protection Agency's National Menu of Best Management Practices for Storm Water Phase II in developing Phase II stormwater management programs. Both are available from the Department.
- Element ID: Table 1 below includes all the minimum control measure elements required under Part IV. of the MS4 GP. Using Table 1, identify which element of the minimum control measure each BMP addresses. For example, a BMP addressing the procedures for site plan review under the Construction Site Stormwater Runoff Control Minimum Control Measure would be labeled as "4d." You must include at least one BMP for each element.
- BMP Number: For each minimum control measure, number the BMPs starting with 01 and continue the numbering in sequential order on any additional forms for the measure. The numbering of the BMPs is for reference purposes only and does not provide additional weight to, nor prioritize, one BMP over another.
- Measurable Goals: List the measurable goal(s) for each BMP. You must include at least one measurable goal for each BMP and may include as many as necessary for the BMP – you are not limited to the four lines provided on the form.
- Schedule for Implementation/Completion: For each measurable goal, include the year each action will be implemented and, as applicable, the interim milestones, completion date, or planned frequency of the action.
- Responsible Entity/Department: Include the name of the entity (if other than the Phase II MS4 Operator) or of the internal department (if it is the Phase II MS4 Operator) responsible for implementing or coordinating each BMP.

**Page Numbering**

- Once this form has been completed for each minimum control measure, place the forms in an order corresponding to the order of the measures in Table 1 (below) and number the forms accordingly at the bottom of each.





Table 1: Minimum Control Measure Required Elements

Element ID	Description of Minimum Control Measure Required Elements
	<b>1. Public Education and Outreach Minimum Control Measure:</b>
1a	a) Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.
	<b>2. Public Participation/Involvement Minimum Control Measure:</b>
2a	a) Comply with State and local public notice requirements when implementing a public involvement/public participation program.
	<b>3. Illicit Discharge Detection and Elimination Minimum Control Measure:</b>
3a	a) Develop, if not already completed, a storm sewer system map, showing the location of all known outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls.
3b	b) To the extent allowable under State or local law, effectively prohibit through ordinance, or other regulatory mechanism, of non-stormwater (i.e., "illicit") discharges into the storm sewer system and implement appropriate enforcement procedures and actions.
3c	c) Develop and implement a plan to detect and eliminate non-stormwater discharges, including illegal dumping, to the MS4.
3d	d) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
	<b>4. Construction Site Stormwater Runoff Control Minimum Control Measure:</b>
4a	a) Develop and implement, to the extent allowable under State or local law, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to reduce pollutants in any stormwater runoff to the Phase II MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants associated with stormwater discharges from construction activity disturbing less than one acre must also be included if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.
4b	b) Develop and implement requirements for construction site operators to implement appropriate erosion and sediment control best management practices.
4c	c) Develop and implement requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
4d	d) Develop and implement procedures for site plan review that incorporate consideration of potential water quality impacts.
4e	e) Develop and implement procedures for receipt and consideration of information submitted by the public.
4f	f) Develop and implement procedures for site inspection and enforcement of control measures.
	<b>5. Post-construction Stormwater Management in New Development and Redevelopment Minimum Control Measure: NOT REQUIRED IF USING QUALIFIED ALTERNATIVE PROGRAM</b>
5a	a) Use an ordinance or other regulatory mechanism, to the extent allowable under State or local law, to address from post-construction runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the Phase II MS4. The program must require that controls be in place that would prevent or minimize water quality impacts from new development or redevelopment.
5b	b) Develop and implement strategies that include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the community.
5c	c) Require adequate long-term operation and maintenance of BMPs.
	<b>6. Municipal Operation Pollution Prevention and Good Housekeeping Minimum Control Measure:</b>
6a	a) Develop and implement an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from MS4 operator activities, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.
6b	b) Using training materials that are available from EPA, the Department, or other organizations, include employee training to prevent and reduce stormwater pollution from MS4 operator activities.





APPENDIX A  
PHASE II MS4 STORMWATER MANAGEMENT PROGRAM (SWMP) ELEMENTS FORM

**SECTION A.I. MINIMUM CONTROL MEASURE (check only one)**

<input checked="" type="checkbox"/> 1. Public Education and Outreach <input type="checkbox"/> 2. Public Involvement/Participation	<input type="checkbox"/> 3. Illicit Discharge Detection/Elimination <input type="checkbox"/> 4. Construction Site Stormwater Runoff Control <input type="checkbox"/> 5. Post-construction Stormwater Management (optional) <input type="checkbox"/> 6. Pollution Prevention/Good Housekeeping
--	--

**SECTION A.II. BEST MANAGEMENT PRACTICES (BMPs) For The Minimum Control Measure Identified In Section A.I. Of This Form**

Element ID	BMP Number	A Description of BMP	B Measurable Goal(s)	C Schedule for Implementation/Completion	D Responsible Entity/Department
1a	01	Communicate via newsletter quarterly to citizens about reducing stormwater pollution. The newsletter will contain a column each quarter concerning: street sweeping, recycling, oil disposal, and illicit discharge.	1 Record # of newsletters distributed	1. Year 1-5	City of Parker
			2.	2.	
			3.	3.	
			4.	4.	
1a	02	The City will provide brochures in City Hall and the Library on: illicit discharge elimination, pollution, save the swales, industrial activity, and used oil management. There will also be a Color the Coast coloring book for kids, which promotes clean Bay water. Make brochures available on City's website	1. Record # of brochures picked up	1. Years 1-5	City of Parker
			2.	2.	
			3.	3.	
			4.	4.	
			1	1.	
			2.	2.	
			3.	3.	
			4.	4.	
			1.	1.	
			2.	2.	
			3.	3.	
			4.	4.	

Page # 1 of 7 total pages of SWMP Elements Forms attached to the NOI



# SECTION A.I. MINIMUM CONTROL MEASURE (check only one)

- ☐ 1. Public Education and Outreach  
☒ 2. Public Involvement/Participation

- ☐ 3. Illicit Discharge Detection/Elimination  
☐ 4. Construction Site Stormwater Runoff Control

- ☐ 5. Post-construction Stormwater Management (optional)  
☐ 6. Pollution Prevention/Good Housekeeping

## SECTION A.II. BEST MANAGEMENT PRACTICES (BMPs) For The Minimum Control Measure Identified In Section A.I. Of This Form

Element ID	BMP Number	A Description of BMP	B Measurable Goal(s)	C Schedule for Implementation/Completion	D Responsible Entity/Department
2a	01	Hold Public Meetings on storm water and the City's plan The City will hold public meetings to provide citizens with the opportunity to participate in the SWMP implementation process throughout the term of permit coverage. City Council will hold at least 2 SWMP meetings with public notices a year and provide back a list of the number of attendees.	1. Present aspects of the NPDES and the SWMP to the City Council & public. Perform at least once annually 2. Document and report the public meetings noticed and held. 3. Document and report the number of meeting attendees. 4.	1. Year 1-5 2. Years 1-5 3. Years 1-5 4.	City of Parker
2b	01	Get public involved through a Clean Up day annually. It will be promoted through the newsletter, utility bills and in the City Council meeting prior to the Clean Up day. This newsletter will ask the citizens to clean the ditches on their property.	1. Record number of newsletters sent out. 2. Record the number of utility bills sent out. 3. Document and report the number of Council meeting attendees. 4. 1. 2. 3. 4. 1. 2. 3. 4. 1. 2. 3. 4.	1. Years 1-5 2. Years 1-5 3. Years 1-5 4. 1. 2. 3. 4. 1. 2. 3. 4.	City of Parker





# **SECTION A.I. MINIMUM CONTROL MEASURE<sup>2</sup> (check only one)**

- ☐ 1. Public Education and Outreach  
☐ 2. Public Involvement/Participation  
☒ 3. Illicit Discharge Detection/Elimination  
☐ 4. Construction Site Stormwater Runoff Control  
☐ 5. Post-construction Stormwater Management (optional)  
☐ 6. Pollution Prevention/Good Housekeeping

## **SECTION A.II. BEST MANAGEMENT PRACTICES (BMPs) For The Minimum Control Measure Identified In Section A.I. Of This Form**

Element ID	BMP Number	A Description of BMP	B Measurable Goal(s)	C Schedule for Implementation/Completion	D Responsible Entity/Department
3a	01	<p>Stormwater master map</p> <p>The City has a storm sewer system map in place showing all known outfalls including names and locations. The map is updated as needed.</p>	<p>1. Document and report the number of out-falls mapped and number of any new outfalls</p> <p>2.</p> <p>3.</p> <p>4.</p>	<p>1. Year 1-5</p> <p>2.</p> <p>3.</p> <p>4.</p>	City of Parker
3b	01	<p>The City has a policy adopted by ordinance to define and prohibit illicit discharge of non-stormwater discharges into the stormwater system. See Code of Ordinances Chapter 82 Article IV</p>	<p>1. Document and report all questions, concerns, problems and solutions as per the Code</p> <p>2.</p> <p>3.</p> <p>4.</p>	<p>1. Year 1-5</p> <p>2.</p> <p>3.</p> <p>4.</p>	City of Parker
3c	01	<p>Illicit discharge detection will be performed by surveying portions of the system in dry weather. Suspicious flows will be investigated based on survey findings. A reporting mechanism will also be established. In wet weather conditions, staff will investigate outfalls with appearance of oils or suds. The City performs proactive inspections to identify illicit discharges including illegal dumping.</p>	<p>1. Visually survey rotating 20% of system outfalls, swales, ponds, ditches etc. per year during dry weather to identify non-stormwater flows</p> <p>2. Document and report illicit discharges. Illegal dumping will be responded to within 48 hours.</p> <p>3. Document and report # of inspections, # of illicit discharges identified, and # eliminated.</p> <p>4.</p>	<p>1. Year 1-5</p> <p>2. Year 1-5</p> <p>3. Year 1-5</p> <p>4.</p>	City of Parker
3d	01	<p>Hazardous-waste, recycling and education program that include household, business, and the general public.</p> <p>Create an illicit discharge document for businesses. When someone applies for a new business license or reapplies for a business license include this document in the application package.</p>	<p>1. Record the number of newsletters distributed that had a column on recycling and illicit discharge</p> <p>2. Document and report # of brochures picked up on recycling</p> <p>3. Document the number of business license applications picked up</p> <p>4.</p>	<p>1. Year 1-5</p> <p>2. Year 1-5</p> <p>3. Year 1-5</p> <p>4.</p>	City of Parker
			<p>1.</p> <p>2.</p> <p>3.</p>	<p>1.</p> <p>2.</p> <p>3.</p>	

Page # 3 of 7 total pages of SWMP Elements Forms attached to the NOI





# SECTION A.I. MINIMUM CONTROL MEASURE (check only one)

- ☐ 1. Public Education and Outreach  
☐ 2. Public Involvement/Participation

- ☐ 3. Illicit Discharge Detection/Elimination  
☒ 4. Construction Site Stormwater Runoff Control

- ☐ 5. Post-construction Stormwater Management (optional)  
☐ 6. Pollution Prevention/Good Housekeeping

## SECTION A.II. BEST MANAGEMENT PRACTICES (BMPs) For The Minimum Control Measure Identified In Section A.I. Of This Form

Element ID	BMP Number	A Description of BMP	B Measurable Goal(s)	C Schedule for Implementation/Completion	D Responsible Entity/Department
—		The City has an enforceable policy on erosion control and pollutant reduction. The City's Comprehensive Plan policy 4.C.2.3 has been amended to require erosion and sedimentation controls, and waste controls, on construction sites.	1. Applications for development permits will be updated to ensure consistent language throughout on requirements. 2. 3. 4.	1. Year 1 2. 3. 4.	City of Parker
4a	01				
—		Applications for major development, as defined by the LDR, contain requirements for Erosion Control Plan.	1. Document and report all major developments, which includes the ESC signed by contractors 2. 3. 4.	1. Year 1-5 2. 3. Year 1-5 4.	City of Parker
4b	01				
—		Update requirements for construction site operators to control waste that may cause adverse impact to water quality.	1. Number of active sites working under this policy 2. 3. 4.	1. Year 1 2. 3. 4.	City of Parker
4c	01				
—		Update procedures for site plan review that incorporate consideration for potential water quality impacts.  The City will create a stormwater statement that will be incorporated during the site plan review process on major and minor projects	1. Document the number of construction site stormwater plans reviewed for adequate erosion and sedimentation controls and number of site plans approved. 2. 3. 4.	1. Year 1-5 2. 3. 4.	City of Parker
4d	01				

Page # 4 of 7 total pages of SWMP Elements Forms attached to the NOI





# SECTION A.I. MINIMUM CONTROL MEASURE (check only one)

- ☐ 1. Public Education and Outreach  
☐ 2. Public Involvement/Participation

- ☐ 3. Illicit Discharge Detection/Elimination  
☒ 4. Construction Site Stormwater Runoff Control

- ☐ 5. Post-construction Stormwater Management (optional)  
☐ 6. Pollution Prevention/Good Housekeeping

## SECTION A.II. BEST MANAGEMENT PRACTICES (BMPs) For The Minimum Control Measure Identified In Section A.I. Of This Form

Element ID	BMP Number	A Description of BMP	B Measurable Goal(s)	C Schedule for Implementation/Completion	D Responsible Entity/Department
4e	01	Review and ensure current procedures for receipt and consideration of information submitted by the public about construction stormwater runoff are working. The phone number to contact the City about stormwater issues will be on the newsletter as well as the City's website.	1. Document and report the number of public comments received. 2. Document and report the number of formal complaints received by the Public Works Department. 3. 4.	1. Year 1-5 2. Year 1-5 3. 4.	City of Parker
4f	01	Create and implement procedures for site inspection and enforcement for control measures.	1. Create procedures for site inspection 2. Document and report the number of construction site inspections 3. Document and report the number of enforcement actions 4. Perform at least one inspection for each major development, or perform as needed if rain event. 5. Document procedure for review in each development file for major development.	1. Year 1 2. Year 1-5 3. Year 1-5 4. Year 1-5 5. Year 1-5	City of Parker
			1.	1.	
			2.	2.	
			3.	3.	
			4.	4.	
			1.	1.	
			2.	2.	
			3.	3.	
			4.	4.	

Page # 5 of 7 total pages of SWMP Elements Forms attached to the NOI



# **SECTION A.I. MINIMUM CONTROL MEASURE (check only one)**

- ☐ 1. Public Education and Outreach  
☐ 2. Public Involvement/Participation

- ☐ 3. Illicit Discharge Detection/Elimination  
☐ 4. Construction Site Stormwater Runoff Control

- ☐ 5. Post-construction Stormwater Management (optional)  
☒ 6. Pollution Prevention/Good Housekeeping

## **SECTION A.II. BEST MANAGEMENT PRACTICES (BMPs) For The Minimum Control Measure Identified In Section A.I. Of This Form**

Element ID	BMP Number	A Description of BMP	B Measurable Goal(s)	C Schedule for Implementation/Completion	D Responsible Entity/Department
—		Inlet/Catch Basin Maintenance Standard Operating Procedure  Maintain inlets by removing sediment and debris from inlets. Inlet maintenance will be performed at a higher frequency in priority areas and during seasons with elevated rainfall. Delineate "Priority Areas", according to newly established SOP and vacuum monthly where needed.	1. State number of priority areas established. 2. Inspect and/or clean rotating 25% of inlet manholes and grates in "other" parts of the system quarterly. 3.  4.	1. Year 1-5  2. Year 1-5  3.  4.	City of Parker
6a	01				
—		Water Control Structure/Swale Maintenance SOP  Maintain water control structures by removing debris from the gate areas. Swales will be maintained by mowing, debris removal and edging.	1. Create SOP 2. Document and report swale maintenance 3. 4.	1. Year 1 2. Year 1-5 3. 4.	City of Parker
6a	02				
—		Street Sweeping Program  Perform street sweeping and make necessary changes to the SOP's for the street sweeping program as necessary. City-owned parking lots are also included in the program.	1. Review and update SOP. 2. Record the number of miles swept annually. 3. 4.	1. Year 1 2. Year 1-5 3. 4.	City of Parker
6a	03				
—		Fleet Maintenance  Manage fleet maintenance areas by requiring proper management of waste fluids and chemicals and by maintaining vehicles to avoid leaks.	1. Fleet maintenance area inspected quarterly for leaking containers 2. Within 2 working days of problem being reported, Fleet Maintenance will have action/response. Document and report the number of responses made. 3.	1. Year 1-5 2. Year 1-5 3.	City of Parker
6a	04				





# SECTION A.I. MINIMUM CONTROL MEASURE (check only one)

- ☐ 1. Public Education and Outreach  
☐ 2. Public Involvement/Participation

- ☐ 3. Illicit Discharge Detection/Elimination  
☐ 4. Construction Site Stormwater Runoff Control

- ☐ 5. Post-construction Stormwater Management (optional)  
☒ 6. Pollution Prevention/Good Housekeeping

## SECTION A.II. BEST MANAGEMENT PRACTICES (BMPs) For The Minimum Control Measure Identified In Section A.I. Of This Form

Element ID	BMP Number	A Description of BMP	B Measurable Goal(s)	C Schedule for Implementation/Completion	D Responsible Entity/Department
6a	05	Open Space Maintenance/ Waste Collection Litter control and garbage removal is performed in City parks and greenways regularly.	1. Waterside park will add new/additional garbage cans which will be emptied at least twice a week to a locked dumpster. 2. Parks are visited daily and documented monthly regarding cleanliness 3. 4.	1. Year 1 2. Year 1-5 3. 4.	City of Parker
6b	01	Stormwater Pollution Training All applicable employees i.e. Public Works and inspectors are required to attend stormwater training. Inspections will be performed to ensure area is clean, materials are not exposed, and good housekeeping measures are being taken. Inspection results are reported to Fleet Maintenance for action/response to problem. City staff is trained on how to prevent and reduce storm water pollution -Automobile maintenance logs -Quarterly Inspection -Vehicles and parking yard area inspected daily and a report is done -Waste oil picked up by AFG as needed	1. Document and report the number of training sessions 2. Document and report the number of employees trained 3. 4.	1. Year 1-5 2. Year 1-5 3. 4.	City of Parker
			1. 2. 3. 4.	1. 2. 3. 4.	
			1. 2. 3. 4.	1. 2. 3. 4.	
			1. 2. 3. 4.	1. 2. 3. 4.	





## CITY OF PARKER

### AGENDA ITEM SUMMARY

**1. DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:**

Public Works/Administration

**2. MEETING DATE:**

October 17, 2017

**3. REQUESTED MOTION/ACTION:**

Motion to have second reading on Ordinance 2017-378, Contracting and Purchasing.

Motion to adopt Ordinance 2017-378

**4. IS THIS ITEM BUDGETED (IF APPLICABLE)**

YES

☐

NO

☐

N/A ☒

**5. BACKGROUND: (PROVIDE HISTORY; WHY THE ACTION IS NEEDED; WHAT GOAL WILL BE ACHIEVED FOR THE CITY)**

The City Code has not had a specific provision to allow purchasing items over \$25,000 from a cooperative purchasing group. Florida purchasing law, which the City follows, is designed to provide competition in pricing so that citizens get the most from their tax dollars. In recent years, purchasing cooperatives have formed which solicit bids and gain competitive pricing for a variety of items needed by government. These cooperatives function in a way similar to "the State contract", where the Florida Department of Management Services solicits bids and ensures competitive pricing on goods and services for a set number of years.

This ordinance changes the language in the City Code to allow the City to use the bidding activities and contract pricing of purchasing cooperatives to meet our requirement of competitively purchasing goods and services.





ORDINANCE NO. 2017-378

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES RELATED TO EXCEPTIONS TO CONTRACTING AND BIDDING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 2-75 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

**Sec. 2-75. Exceptions to contracting and bidding requirements.**

Nothing contained in this article III shall be construed to prevent the city from purchasing commodities and/or services under the provisions of state purchasing contracts pursuant to F.S. § 287.042(2), as the same may be amended from time to time, and from any vendor so long as purchases are at or below listed state/federal contract price; from contracts of the county or other municipal governments or other governmental agencies or political subdivisions providing the vendor extends the same terms and conditions of the contract to the city; from purchasing specialized items from sole source vendors without competitive bids; or from an authorized cooperative utilizing appropriate competitive procurement.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether

for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3.        Scrivener's Errors.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 4.        Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 5.        Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6.        Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of



Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7.      Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF PARKER

\_\_\_\_\_  
Richard Musgrave, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Rowell, City Clerk

Examined and approved by me, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Richard Musgrave, Mayor





## CITY OF PARKER

### AGENDA ITEM SUMMARY

**1. DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:**

Public Works/Legal

**2. MEETING DATE:**

October 17, 2017

**3. REQUESTED MOTION/ACTION:**

Motion to read, for the first time by title, Ordinance 2017-379--Sewer Use Regulations

Hear from Public Works Supervisor Summerlin and City Attorney Sloan regarding background and implementation

**4. IS THIS ITEM BUDGETED (IF APPLICABLE)**

YES

☐

NO

☐

N/A

☒

**5. BACKGROUND: (PROVIDE HISTORY; WHY THE ACTION IS NEEDED; WHAT GOAL WILL BE ACHIEVED FOR THE CITY)**

See attached explanation of the ordinance prepared by City Attorney Sloan





## Introduction

This document is intended to provide the Council with a short explanation of the proposed changes to sewer code for your consideration.

Bay County has been requesting for some time that Parker, Callaway and Springfield update their respective ordinances to add provisions specifically dealing with industrial users. In the case of Parker, it has no industrial users ("IU"). So, while these regulations are being mandated, they currently would not impact Parker and won't have an effect unless Parker gets an industrial user. In addition to incorporating the sections on industrial users into Parker's code, I have also clarified and updated some other provisions, principally to require property owners (after appropriate notice and time) who own property within 100 feet of any sewer line to have to hook up to public sewer; i.e., hopefully phasing out the remaining septic tanks.

Here is the background on why Parker is being asked to enact the industrial user provisions. Bay County's pretreatment program (and therefore Parker's, Callaway's and Springfield's) is designed to meet the requirements of Title 40, Part 403 of the United States Code of Federal Regulations ("CFR") and Chapter 62-625 of Florida Administrative Code ("F.A.C."). A pretreatment program is required under State and Federal regulations because the Wastewater Facility ("WWF") of which the County, Callaway, Springfield and Parker are a part, accepts wastewater discharged from industrial operations but is not designed to convey or treat most of the pollutants that are present in industrial wastewater. Consequently, untreated discharges from both industrial and commercial sources can cause serious problems and can have effects on the water quality in St. Andrew Bay or cause expensive operational and regulatory compliance issues.

The undesirable effects of industrial discharges can be prevented by using treatment techniques or management practices to reduce or eliminate the discharge of the contaminants at the source. The act of treating wastewater before discharge to a WWF is commonly referred to as pretreatment. The National Pretreatment Program, published in 40 CFR Part 403, and Chapter 62-625, F.A.C., provide the regulatory basis to require nondomestic dischargers to comply with pretreatment standards and ensure that the goals of the Clean Water Act ("CWA") are attained. The objectives of the National Pretreatment Program are stated in 40 CFR 403.2, as follows:

- Prevent the introduction of pollutants that will interfere with the WWF operation, including interference with its use or disposal of municipal biosolids.
- Prevent the introduction of pollutants that will pass through the treatment works or otherwise be incompatible.
- Improve opportunities to recycle and reclaim municipal and industrial wastewaters and solids.

## Background

Bay County's Pretreatment Program was first adopted in 1993 and was subsequently approved and activated on June 6, 1994 by the United States Environmental Protection Agency ("EPA"). Parker,

along with the County, Callaway and Springfield, essentially adopted mirror ordinances concerning sewer in 1996 when the AWT plant was financed and the underlying interlocal agreement was entered into. Parker's sewer code has been revised several times since.

The current revisions for your consideration are in response to several issues including:

- Correcting deficiencies and addressing recommendations noted during the Florida DEP's, April 2015, Audit of Bay County's Pretreatment Program;
- Incorporating changes in discharge prohibitions; and
- Clarifying requirements and procedures, through multijurisdictional agreement, for regulation of wastewater discharge into the joint owned Military Point wastewater facility, currently permitted to and operated by the Bay County Utility Services, Wastewater Division.

#### List of Substantive Revisions Related to Industrial Users

- Updates and corrections to State and Federal rule references throughout the Article.
- Updates to the numbering and internal references throughout the Article.
- Addition and clarification of technical terms and definitions [§82-152(a)] including:
  - Bypass
  - Chemical Oxygen Demand
  - Control Authority
  - Daily Maximum and Daily Maximum Limit
  - Categorical Industrial User
  - Industrial User
  - Industrial Wastewater
  - Monthly Average and Monthly Average Limit
  - Municipal User
  - Pollutant
  - Source
  - Wastewater
- Statement of criminal prosecution and penalties for persons who willfully or negligently introduce substances into the wastewater facilities that cause personal injury or property damage. [§82-403(b)]
- A statement clarifying that issuance of a compliance order shall not extend a deadline for compliance mandated by State or Federal rule or relieve an industrial user of liability resulting from violation of an ordinance requirement. [§82-410(e)]
- A statement providing authority to immediately halt a discharge that endangers public health or interferes with the operation of the wastewater facility. [§82-410(g)(2)]
- Addition of a prohibition on:
  - Discharge of wastewater that creates a public nuisance or hazard to life. [§82-181(b)(9)]
  - Discharge of Aqueous Film-Forming Foam or other substances that cause excessive foaming at the wastewater facility. [§82-181(b)(15)]
  - Use of nitrate-based chemicals for wastewater odor control. [§82-181(b)(16)]



- Use of organic solvents at industrial users without proper collection and disposal systems and procedures. [§82-181(b)(17)]
- Authority to calculate alternate limits for industrial discharges subject to National Pretreatment Standards. [§82-182(a)(6) & (7)]
- Clarification that industrial wastewater mixed with domestic wastewater prior to discharge to a publicly owned collection system may be considered industrial wastewater. [§82-267(f)]
- A statement clarifying that wastewater discharge from grease interceptors or other pollution control devices required under Chapter 10 of Florida Plumbing Code may be considered industrial wastewater. [§82-264(c)]
- Inclusion of the requirement for industrial users to submit documentation regarding best management practices under certain conditions. [§82-286(a)(3)]
- Inclusion of the unanticipated discharge in the sections addressing reports of potential problems from industrial users. [§82-290]
- Inclusion of best management practices in the record keeping requirements for industrial users. [§82-292]
- Addition of language and references regarding proper sampling procedures required by the Florida Department of Environmental Protection. [§82-294(c)]



ORDINANCE NO. 2017- 379

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED) CODIFYING ORDINANCE 96-217, AS AMENDED, REGARDING SEWER USE REGULATIONS, PROVIDING FOR CERTAIN AMENDMENTS TO VARIOUS PROVISIONS OF CHAPTER 82, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF PARKER; REVISING DEFINITIONS AND TECHNICAL TERMS; UPDATING STATE AND FEDERAL RULE REFERENCES; PROVIDING FOR INSPECTIONS; REVISING PENALTIES AND ADMINISTRATIVE ENFORCEMENT PROCEDURES; INCORPORATING CHANGES IN DISCHARGE STANDARDS, LOCAL LIMITS AND PROHIBITIONS; PROVIDING FOR DISCHARGE PERMITS; UPDATING PRETREATMENT STANDARDS; INCORPORATING REPORTING REQUIREMENTS; REORGANIZING CERTAIN SECTIONS OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker, Florida ("city") adopted Ordinance No. 96-217, as amended, setting forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the city and enabling the city to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (Chapter 62-626, Florida Administrative Code);

WHEREAS, it is in the best interests of the citizens of the city to enact an ordinance which will (1) prevent the introduction of pollutants into the municipal wastewater system which interfere with the operation of the system or cause contamination; (2) prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system; (3) improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and (4) provide for the equitable distribution of the cost of the municipal wastewater system;



WHEREAS, it is the intent of this Ordinance to provide for user reporting and for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement activities; and

WHEREAS, this Ordinance shall apply to the customers and users in the city and to persons outside the city who are, by contract or agreement with the city, users of the public wastewater facilities; and

WHEREAS, except as otherwise provided herein, the city shall administer, implement, and enforce the provisions of this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. The Table of Contents for Chapter 82, Part III, Divisions 1 through 14 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

## Chapter 82

### **Article III. Wastewater**

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Sec. 82-236. Connection to sources of runoff and drainage.  
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#### Division 5. Restricted Use of the Public Sewers

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- Sec. 82-260. Pretreatment and flow-equalizing facilities.
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- Sec. 82-262. Measurements, tests, and analysis.
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Section 2. Sections 82-151 through 82-153 of the Code of Ordinances, City of Parker, Florida, are hereby replaced and amended to read as follows:

**ARTICLE III. WASTEWATER**

DIVISION 1. GENERALLY

**Sec. 82-151. Purpose and Policy.**

(a) This article sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the city and enables the city to comply with all applicable State and Federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR Part 403 and Chapter 62-625, Florida Administrative Code).

(b) The objectives of this Article are:

- (1) To prevent the introduction of pollutants into the wastewater facility ("WWF") that will interfere with its operation;

- (2) To prevent the introduction of pollutants into the WWF that will pass through the system, inadequately treated, into receiving waters, or otherwise be incompatible with the system;
- (3) To ensure that the quality of the wastewater treatment plant biosolids is maintained at a level that allows it to be disposed of in accordance with the management plan adopted by the facility;
- (4) To protect both WWF personnel who come in contact with wastewater and biosolids in the course of their employment and the general public;
- (5) To provide for fees for equitable distribution of the cost of operation, maintenance, and improvement of the WWF;
- (6) To improve the opportunity to recycle and reclaim wastewater and biosolids from the system; and
- (7) To enable the city and Bay County to comply with its National Pollutant Discharge Elimination System permit conditions, any biosolids use and disposal requirements, and any other federal, state and local laws to which the WWF is subject.

(c) This Article shall apply to the customers and users in the city and to persons outside the city who are, by contract or agreement with the city, users of the public wastewater facility. Except as otherwise provided herein, the city shall administer, implement, and enforce the provisions of this Article.

(d) This Article provides for user reporting and for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**Sec. 82-152. Definitions.**



(a) Unless the context specifically indicates otherwise, the following words, terms or phrases, used in this Article, shall have the meanings hereinafter designated.

*Act or "the Act"* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. § 1251 et seq.

*Approval authority* shall mean the Florida Department of Environmental Protection.

*Authorized representative of the industrial user* shall mean:

(1) If the industrial user ("IU") is a corporation:

- a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- b. 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.

- c. If the IU is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- d. If the IU is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

The individuals described in subparagraphs a. through c. above may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the control authority.

*Best management practices ("BMPs")* shall mean schedules of activities prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in paragraph 62-625.400(1)(a) and subsection 625.400(2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

*Biochemical oxygen demand ("BOD")* shall mean the quantity of oxygen, expressed as a concentration in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five (5) calendar days at a temperature of 20°centigrade.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, and extending five feet (1.5 meters) outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal, also known as a house connection.

*Bypass* shall mean the intentional diversion of wastestreams from any portion of an IU's treatment facility.

*Carbonaceous biochemical oxygen demand ("CBOD")* shall mean the quantity of oxygen, expressed as a concentration in milligrams per liter (mg/l), utilized in the carbonaceous biochemical oxidation of organic matter under standard laboratory conditions of incubation for five (5) calendar days at a temperature of 20°centigrade.

*Categorical Industrial User* shall mean an IU subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as defined, adopted, and incorporated in Chapter 62-625, F.A.C.

*Categorical pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317) that apply to a specific category of IUs and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*Categorical standards* shall mean the national categorical pretreatment standards or pretreatment standard.

*Chemical Oxygen Demand ("COD")* shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*Chemical removal* shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic state or a harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.78(C)(2), General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act.

*City* shall mean the City of Parker, and may include the City Council or its designated official or employee of the City of Parker, as contextually appropriate.

*City Council* shall mean the duly elected officials of the City of Parker, Florida.



*CFR* shall mean the Code of Federal Regulations.

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Connection fee or tap-on fee* means a fee paid for costs reasonably attributable to making a physical connection or tap into the water or sewer utility system, including labor, materials, supplies, overhead and administrative expenses.

*Consistent removal* shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic state or a harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(C)(2), General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act.

*Control Authority* shall mean the *Approval Authority*, defined hereinabove, or the city's designated agent if the city has an approved Pretreatment Program under the provisions of 40 CFR §403.11.

*Cooling water* shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Customer* shall mean every person who is responsible for contracting (expressly or impliedly) with the city to obtain or have use of sewer connections with, or sewer taps to, the sewer system of the city and in obtaining or having the use of water and other related services furnished by the city for the purpose of disposing of wastewater and sewage through said system. The term shall include within its definition the occupants of each unit of a multiple-family dwelling unit building as separate and distinct customers.

*Daily Maximum* shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

*Daily Maximum Limit* shall mean 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.

*Direct discharge* shall mean the discharge of treated or untreated wastewater directly into the waters of the State of Florida.

*Director* shall mean the city's Public Works Director, if that position exists in the city, or his/her designee, or, if there is no Public Works Director, then the city's Public Works Supervisor or his/her designee.

*Domestic wastewater* shall mean wastewater derived principally from dwellings, business buildings, institutions, and the like; sanitary wastewater; sewage.

*Easement* shall mean an acquired legal right of use of land owned by others.

*Environmental Protection Agency ("EPA")* shall mean 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.

*Establishment* shall mean any place of industry, business, assembly, or residence, whether multiple or single-family, including all buildings, structures, trailers, mobile homes, vehicles or tents, and the land appertaining thereto.

*Existing source* shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Florida Department of Environmental Protection ("FDEP")* shall mean the agency responsible for pollution control in the State of Florida or the duly authorized official of said agency.

*Floatable oil* shall mean oil, fat or grease in a physical

state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with or inhibit the operation of the collection system.

*Flush toilet* shall mean the common sanitary flush commode in general use for the disposal of human excrement.

*Grab sample* shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

*Grease trap or interceptor* shall mean a device for separating waterborne greases and grease complexes from wastewater and retaining such greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps also serve to collect solids that settle, generated by and from activities that subject IUs to this section, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease traps and interceptors are sometimes referred to herein as "grease interceptors".

*Health officer* shall mean the Bay County Environmental Health Director.

*Holding tank waste* shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Impact fee* shall mean a fee paid for costs reasonably attributable to future expansion of water and sewer systems, but shall not include any tax.

*Indirect discharge or discharge* shall mean the introduction of pollutants into the WWF from any nondomestic source regulated under Chapter 403, F.S.

*Industrial user ("IU")* shall mean a source of discharge.

*Industrial wastewater* shall mean process and non-process wastewater from manufacturing, commercial, mining, and silvicultural facilities or activities, including the runoff and leachate from areas that receive pollutants associated with

industrial or commercial storage, handling or processing, and all other wastewater not otherwise defined as domestic wastewater. Industrial wastewater does not include demineralization concentrate as stated in Rule 62-610.865, F.A.C.

*Industry* shall mean any establishment that uses water in a product or generates wastewater during any period of production.

*Infiltration/inflow* shall mean groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes or other openings.

*Influent* shall mean wastewater, raw or partially treated, flowing into any wastewater treatment device or facilities.

*Instantaneous limit* shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference* shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WWF, its treatment processes or operations, or its biosolids process, which clearly causes, in whole or in part, a violation of any requirements of the WWF's NPDES permit or a permit issued by the State of Florida, or prevents the use or disposal of biosolids by the WWF in accordance with any federal or state laws, regulations or permits, or any biosolids management plans.

*Local limit* shall mean specific discharge limits developed and enforced by the control authority to implement the general and specific discharge prohibitions listed in this article of this article, Rule 62-604.130, F.A.C., paragraph 62-625.400(1)(a), F.A.C., and subsection 62-625.400(2), F.A.C.

*Medical waste* shall mean 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.



*Monthly Average* shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

*Monthly Average Limit* shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

*Municipal User* shall mean any municipality, contributing jurisdiction, or utility authority that contributes all or a portion of its wastewater to any WWF owned or operated by the county, regardless of contract or agreement with the county.

*National categorical pretreatment standard or pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

*National pollution discharge elimination system permit or "NPDES permit"* shall mean a permit issued pursuant to section 402 of the Act (33 USC 1342).

*National prohibitive discharge standard or prohibitive discharge standard* shall mean any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5.

*Natural outlet* shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body or surface water or groundwater.

*New source* shall mean:

- (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 categorical pretreatment standards under section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated, provided that:

- a. No other source is located at that site,



- b. The source 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 source are substantially independent of an existing source at that site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should 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 clauses a.2. and a.3. of this definition but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction or operation of a new source as defined under this definition has commenced if the owner or operator has:
- a. Begun, or caused to begin, as part of a continuous on site construction program:
    - 1. Any placement, assembly, or installation of facilities or equipment, or
    - 2. 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 that are intended to be used in its operation within a reasonable time, but not including options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies.

*Noncontact cooling water* shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

*Normal wastewater* shall mean wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than 250 mg/l, total phosphorus is not more than 15 mg/l, total Kjeldahl nitrogen is not more than 30 mg/l; and total flow is not more than 25,000 gallons per day.

*Pass through* shall mean a discharge that exits the WWF into waters of the United States containing quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of WWF's NPDES permit, a NPDES permit for a facility operated by Bay County, or a permit issued by the State of Florida including an increase in the magnitude or duration of a violation.

*Person* shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agent or assigns. This definition includes all federal, state and local governmental entities.

*pH* shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

*Pit privy* shall mean a shored, vertical pit in the earth completely covered with a fly-tight slab on which is securely located a fly-tight riser covered with hinged fly-tight seat and lid.

*Pollutant(s)* shall mean dredged spoil, solid waste, incinerator residue, filter backwash, wastewater, garbage, domestic wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes; and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity or odor) that causes or may reasonably expected to cause, alone or in conjunction with other sources, a violation of the general and specific discharge prohibitions listed in this article, Rule 62-604.130, F.A.C., paragraph 62-625.400(1)(a), F.A.C., and subsection 62-625.400(2), F.A.C.

*Pollution* shall mean any manmade or man-induced alteration of the chemical physical, biological, and radiological integrity of water.

*POTW treatment plant* shall mean that portion of the WWF designed to provide treatment to wastewater.

*Pretreatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the WWF. The reduction or alteration may be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard or requirement.

*Pretreatment requirements* shall mean any substantive or procedural requirements related to pretreatment imposed on an IU, other than a pretreatment standard.

*Pretreatment standard or standards* shall mean prohibited discharge standards, categorical pretreatment standards and local limits.

*Private sewer system utility* shall mean any facility, except a septic tank, that provides wastewater or sewer treatment and/or collection services and that is not owned and controlled by public authority.



*Prohibited discharge standards or prohibited discharges* shall mean absolute prohibitions against the discharge of certain substances that appear in this article.

*Properly shredded garbage* shall mean waste from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles are capable of being carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

*Public sewer* shall mean a common sewer owned, operated or controlled by a governmental or other public agency that is a contributor to the treatment plant.

*Publicly owned treatment works ("POTW")* shall have the same meaning as WWF.

*Sanitary sewer* shall mean a sewer that carries liquid and water-carried wastes from establishments, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

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

- a. A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and
- b. A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

In this article, the term "septic tank" is sometimes used synonymously with the term "private wastewater disposal system"; although, the latter term can include other types of wastewater disposal systems authorized by the city but not connected to the public sanitary sewer.

*Septic tank waste* shall mean any domestic wastewater from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.



*Sewage* shall mean the spent water of a city. The equivalent term is "wastewater."

*Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

*Sewage works* shall mean all facilities for collection, pumping, treatment, and disposing of sewage.

*Significant industrial user ("SIU"):*

- a. Industrial users subject to categorical pretreatment standards, or
- b. Any other IU that:
  1. Discharges an average of 25,000 gpd or more of industrial wastewater into the WWF,
  2. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or
  3. Is designated as significant by the director on the basis that the IU has a reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the WWF (in accordance with paragraph 62-625.500(2)(e), F.A.C., as hereby incorporated.
- c. Upon a finding that an IU has no reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the WWF, the director may determine that such an IU is not a SIU in accordance with paragraph 62-625.500(2)(e), F.A.C., as hereby incorporated.

*Slug load or slug discharge* shall mean any discharge at a flow rate or concentration which could cause a violation of the general or specific discharge prohibitions in this article, or

any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.

*Source* shall mean any and all points of origin, building, structure, facility, or installation, whether privately or publicly owned or operated, from which there is or may be the discharge of pollutants.

*Standard industrial classification ("SIC")* shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Storm drain* or *storm sewer* shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

*Stormwater* shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation including but not limited to melting snow.

*Total Suspended solids* shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

*Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of CWA § 307(1) or other Acts.

*Unit* shall mean any single room or group of rooms, either occupied or intended for occupancy as separate living quarters, including, without limitation, detached single-family residences, townhouses, mobile homes, condominiums, apartments and any building or part thereof used for business, commercial, institutional or industrial purposes, owned, leased, rented, or occupied by any person.

*Upset* shall mean an exceptional incident in which there is unintentional and temporary noncompliance with applicable categorical pretreatment standards because of factors beyond the reasonable control of the IU. An upset does not include

noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

*Unpolluted water* shall mean water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

*User* shall mean any person who contributes, causes or permits the contribution of wastewater into the city WWF.

*Wastewater* shall mean industrial wastewater and domestic wastewater from any source, whether treated or untreated, which are contributed to the WWF.

*Wastewater facility ("WWF")* shall mean any device and system used in the collection, conveyance, storage, treatment, recycling and reclamation of sewage, industrial wastewater or other waste, WWF shall include any sewers, intercepting sewers, clarifiers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances and any extensions, improvements, remodeling, additions or alterations thereof; any elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; any works, including land used as an integral part of the treatment process or for the ultimate disposal of residue resulting from such treatment; and any other method or system used for preventing, abating, reducing, storing, treating, separating or disposing of domestic wastewater, industrial wastewater or other waste, including wastewater in combined sewer water and sanitary sewer systems. For the purposes of this article, WWF shall also include any sewers that convey wastewaters to the WWF from outside of the city that are owned or operated by persons who are, by contract or agreement with the city, users of the WWF.

*Wastewater discharge permit* shall mean the document or documents issued to an IU by the city in accordance with the terms of this article.



*Wastewater hauler* shall mean any person, partnership, unit of government or corporation engaged in transporting wastewater as a commercial venture or as a public service.

*Wastewater treatment plant or treatment plant* shall mean that portion of the WWF that is designed to provide treatment of municipal domestic wastewater and industrial wastewater.

*Watercourse* shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

*Waters of the state* shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

#### **Sec. 82-153. Abbreviations.**

(a) The following abbreviations, when used in this article, shall have the designated meanings:

- (1) BMP - Best Management Practice
- (2) BOD - Biochemical oxygen demand
- (3) CBOD - Carbonaceous biochemical oxygen demand
- (4) CFR - Code of Federal Regulations
- (5) COD - Chemical oxygen demand
- (6) EPA - U.S. Environmental Protection Agency
- (7) F.A.C. - Florida Administrative Code
- (8) FDEP - Florida Department of Environmental Protection
- (9) F.S. - Florida Statutes
- (10) gpd - gallons per day
- (11) IU - Industrial User
- (12) l - liter
- (13) mg - milligrams
- (14) NPDES - National Pollutant Discharge Elimination System
- (15) WWF - Wastewater facility
- (16) RCRA - Resource Conservation and Recovery Act
- (17) SIU - Significant Industrial User
- (18) SNC - Significant Noncompliance



- (19) SWDA - Solid Waste Disposal Act
- (20) TSS - Total suspended solids
- (21) U.S.C. - United States Code
- (22) ug - micrograms
- (23) WWF - Wastewater Facility

**Secs. 82-154--82-177. Reserved.**

Section 3. Sections 82-178 through 82-195 of the Code of Ordinances, City of Parker, Florida, are hereby replaced and amended to read as follows:

**Sec. 82-178. Availability of public sewer access.**

Public sewer access shall be considered available:

(1) To an existing single-family dwelling when the dwelling can be connected by the installation in a public easement of not more than 100 linear feet of gravity flow line from the nearest point of the property to the sewer line;

(2) To any new single-family dwelling when the dwelling can be connected by the installation of not more than 100 linear feet of gravity flow line from the nearest point of the property to the sewer line;

(3) Upon notification of the availability of sewer service by the city; or

(4) Upon issuance of the development order by the city.

**Sec. 82-179. New subdivision connections.**

For all subdivisions approved and/or constructed after October 1, 1996, the developer/owner shall furnish and install all materials necessary to make city wastewater collection service available to each lot in the subdivision. The materials and installation must meet all city standards and criteria. The developer/owner shall furnish and install all manholes, laterals, gravity sewer lines and cleanouts, piping and other materials necessary to bring the subdivision wastewater system to the point(s) of connection to the city-owned sewer main. This shall include the installation of the tapping sleeve(s), valve(s) and piping necessary to make the connection to the city-owned sewer main under the direct supervision of city personnel. The wastewater collection system shall become the property of the city upon completion within the limits of the dedicated rights-of-way. A fee payable to the city equal to one percent of the estimated sewer construction cost of the developer/owner shall be paid to the city to perform periodic inspections of the subdivision wastewater collection system while the work is in progress. When the system is proven to meet all city standards and criteria, the city will take over the maintenance of the system.

**Sec. 82-180. Malicious damage to system.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be responsible for any loss of revenue or monetary expenditures needed for repairs brought about by their actions. Nothing contained herein shall act to prohibit the prosecution of any person under any other applicable statute or ordinance for such acts.

**Sec. 82-181. Prohibited discharge standards.**

(a) *General prohibitions.* No person shall contribute or cause to be contributed directly or indirectly, into the WWF any pollutant or wastewater that causes pass through or interference. These general prohibitions and the specific prohibitions in subsection (b) below apply to all sources of discharge to the WWF whether or not they are subject to categorical pretreatment standards or any other federal, state or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No person shall discharge or permit the discharge or infiltration into the WWF of any of the following:

- (1) Pollutants that create a fire or explosion hazard into the WWF.
- (2) Wastewater having a property capable of causing hazard, damage or any other condition deleterious to structures, equipment, personnel, treatment processes or operation of the WWF, and in no case, wastewater that causes the pH at the introduction into the WWF to fall below 5.0 unless the WWF is specifically designed to accommodate such discharges.
- (3) Solid or viscous substances, or substances that will become solid or viscous within the WWF, in amounts that will cause obstruction of the flow in the WWF and resulting in interference.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants will cause interference with the WWF.
- (5) Heat in amounts that will inhibit biological activity in the WWF resulting in interference, but in no case heat in such quantities that result in the discharge of the WWF to exceed 104° Fahrenheit (40° Celsius) unless the approval authority, upon request of the WWF, approves

alternate temperature limits in accordance with Rule 62-302.520 F.A.C.

- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Pollutants that result in the presence of toxic gases, vapors or fumes within the WWF in a quantity that may cause acute worker health and safety problems.
- (8) Trucked or hauled pollutants, except at discharge points designated by the director.
- (9) 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, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable federal or state regulations.
- (11) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the director.
- (12) Sludges, screenings or other residues from the pretreatment of industrial wastes or from the treatment or pretreatment of municipal wastes.
- (13) Medical wastes, except as specifically authorized by the director in a wastewater discharge permit.
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.



- (15) Aqueous Film-Forming Foam ("AFFF"), fire-fighting foam, fluorosurfactants, detergents, surface-active agents, or other substances that might cause, alone or in conjunction with other sources, interference or excessive foaming in the WWF.
- (16) Use of nitrate-based chemicals to control odors within the collection system.
- (17) Industrial wastewater containing organic solvents. Industrial users having organic solvents on site shall provide and use a separate collection and disposal system outside the sewer system and shall provide safeguards against their accidental discharge to the sewer.

(c) Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WWF.

**Sec. 82-182. National categorical pretreatment standards.**

(a) The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with the conditions in subsection 62-625.410(4), F.A.C., as hereby incorporated.
- (2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual IUs in accordance with conditions in subsection 62-625.410(4), F.A.C.

- (3) When wastewater subject to a categorical pretreatment standard is mixed with wastewaters other than those regulated by the same standard, alternative discharge limits shall be derived by the control authority or by the IU with the written concurrence of the control authority in accordance with subsection 62-625.410(6), F.A.C. as hereby incorporated.
- (4) The director may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual IUs. The conversion is at the discretion of the director and shall follow the provisions of paragraph 62-625.410(4)(i), F.A.C. and 40 CFR 403.6(d), (c)(7), (c)(8) and (c)(9).
- (5) An IU may obtain a variance from a categorical pretreatment standard if the IU can prove, pursuant to the procedural and substantive provisions in Rule 62-625.700, F.A.C., as hereby incorporated, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (6) Equivalent limitations calculated in accordance with subsection 62-625.410(4), F.A.C., are deemed pretreatment standards for the purposes of section 307(d) of the Clean Water Act and this article. The control authority shall document how the equivalent limits were derived and make this information available in the IU's file for public review. Once incorporated into its permit, the IU must comply with the equivalent limitations in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.
- (7) Any IU operating under a permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two (2)

business days after the IU has a reasonable basis to know that the production level will change more than twenty percent (20%) within the next calendar month. Any industrial user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

- (8) An IU may obtain a net gross adjustment to a categorical standard in accordance with Rule 62-625.820, F.A.C., as hereby incorporated.

**Sec. 82-183. State pretreatment standards.**

(a) Industrial users are required to comply with Florida pretreatment standards and requirements set forth in Chapter 62-625, F.A.C.

**Sec. 82-184. Local limits.**

(a) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants that have been established for any WWF the city uses in Bay County using standard procedures, calculations and methods acceptable to FDEP to protect against pass through and interference, protection of WWF employees, and adverse effects on wastewater residuals disposal. No IU shall discharge process waste streams, unregulated waste streams or dilute wastestreams in excess of the concentrations set forth by the director. Local limits shall be included as permit conditions and attached to each wastewater discharge permit issued.

(b) The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the IU base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 calendar days from notice of acceptance of the modified limits by FDEP. Permitted IUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.



(c) The established local limits apply at the point where the wastewater is discharged to the WWF. All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the director may impose mass limitations in addition to or in place of the concentration-based limitations. The director may also develop best management practices in individual wastewater discharge permits to implement local limits and the requirements of section 82-181.

(d) A copy of the approved local limits is available upon request from the city's director or from the Bay County Utility Services Administrative office located at 3410 Transmitter Road, Panama City, FL 32404.

**Sec. 82-185. Dilution.**

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no IU shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The director may impose mass limitations on IUs who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

**Sec. 82-186. More stringent requirements.**

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the WWF consistent with the purpose of this division.

**Sec. 82-187. Removal credits.**

Notwithstanding any other provision of this article, the city shall have the authority to grant removal credits pursuant to Rule 62-625.420, F.A.C., as hereby incorporated.

**Secs. 82-188--82-195. Reserved.**



Section 4. Sections 82-239 of the Code of Ordinances, City of Parker, Florida, is hereby replaced and amended to read as follows:

**Sec. 82-239. Wastewater hauler discharge permit.**

(a) Wastewater haulers shall discharge all septage and other permitted wastewaters at the designated wastewater hauler dumping stations established by the director.

(b) Wastewater haulers shall have a valid wastewater hauler discharge permit before discharging wastewaters into the WWF. Each permitted wastewater hauling vehicle shall prominently display a number issued by the department of health on both doors of the vehicle cab (or trailer in the case of tractor-trailers). Such numbers shall be removable only by destruction. Decals for this purpose will be provided by the department of health to each wastewater hauler.

(c) Each wastewater hauling vehicle shall be equipped to use the quick disconnect couplers at the wastewater hauler dumping station.

(d) Representative samples of wastewater from each load received at the WWF for treatment shall comply with pretreatment standards and requirements.

(e) Each load delivered to the wastewater dumping station must have a wastewater hauler manifest properly filled out and presented to the operator on duty. Each manifest will be signed by the authorized representative of the wastewater hauling company.

(f) All procedures for discharging, for cleanliness and for general sanitary operation on county property as prescribed by the director shall be strictly adhered to by all wastewater haulers delivering wastewaters to the WWF dumping stations.

(g) The source or sources of all wastewaters being hauled to the WWF shall be properly documented using the county utility services department manifest system.

(h) Domestic wastewater shall not be mixed with from an industrial wastewater. Vehicles hauling wastewater from an IU shall not be used to haul domestic wastewater for disposal at the WWF.

(i) In addition to the enforcement provisions in sections 82-396 through 82-425, failure of a wastewater hauler to comply with the provisions of this section shall be grounds for revocation of the hauler's discharge permit by the director.

Section 5. Sections 82-263 through 82-280 of the Code of Ordinances, City of Parker, Florida, are hereby replaced and amended to read as follows:

**Sec. 82-263. Wastewater discharge permit application contents.**

(a) All IUs seeking a wastewater discharge permit must submit a permit application accompanied by any applicable fees. The applicant shall be required to submit, where applicable, in units and terms appropriate for evaluation, information including, but not limited to, the following:

- (1) *Identifying information.* The name and address of the:
  - a. Facility, including the name of the operator and owner.
  - b. Contact information, description of activities, facilities, and plant production processes on the premises.
- (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
- (3) *Description of operations.*
  - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial

classifications of the operation(s) carried out by such IU. This description should include a schematic process diagram, which indicates points of discharge to the WWF from the regulated processes.

- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WWF.
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation.
  - d. Type and amount of raw materials processed (average and maximum per day).
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (4) Time and duration of discharges;
  - (5) The location for monitoring all wastes covered by the permit;
  - (6) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in subsection 62-625.410(6), F.A.C.
  - (7) *Measurement of pollutants.*
    - a. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
    - b. The results of sampling and analysis identifying the nature and concentration,



and/or mass, where required by the standard or by the control authority, of regulated pollutants in the discharge from each regulated process.

- c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 82-294. Where the standard requires compliance with a BMP or pollution prevention alternative, the IU shall submit documentation as required by the director or the applicable standards to determine compliance with the standard.
  - e. All sampling and analysis required by this article shall be performed in accordance with procedures set out in section 82-294.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C.
- (9) Any other information as may be deemed necessary by the director to evaluate the permit application.

(b) Within 30 calendar days of the submittal of an application, the director will evaluate the data furnished by the IU and may require additional information. Incomplete or inaccurate applications will not be processed and will be returned to the IU for revision. Within 30 calendar days of the receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. If the director determines to issue a wastewater discharge permit, he shall issue a draft wastewater discharge permit within 30 calendar days of such determination. A 30-day comment period shall be allowed for all IUs and 30 calendar days thereafter the director shall issue a wastewater



discharge permit, if all of the terms and conditions herein are complied with.

**Sec. 82-264. Special agreements.**

(a) Nothing contained in this article shall be construed as preventing any special agreement between the city, the county and any user of the WWF whereby a wastewater of unusual strength or character may be accepted into the WWF subject to agreement between the two parties. No such agreement, however, shall be made that would allow the influent to the WWF to adversely affect operation of the treatment plant. The terms and conditions of such agreement are subject to change by the director during the life of the agreement as required for changes to NPDES permit limitations or limitations contained in permits issued by the State of Florida. Notification of such changes will be made similar to permit modifications as outlined in section 82-274.

(b) In no case (except for the formal grant of removal credits) will a special agreement waive compliance with any pretreatment standard. However, the IU may request a net gross adjustment to a categorical pretreatment standard in accordance with Rule 62-625.820, F.A.C, as hereby incorporated. Industrial users may also request a variance from the categorical pretreatment standards from the EPA. Such a request will be approved only if the IU can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that categorical pretreatment standard. An IU requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in Rule 62-625.700, F.A.C, as incorporated in paragraph 82-182(a)(5).

(c) Grease, oil and sand interceptors shall be provided by the IU when, in the opinion of the director they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. Interception units shall be of type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected regularly and cleaned, as needed by the IU at their expense. Wastewater from any source requiring installation of a trap, interceptor, and/or separator, in accordance with Chapter 10 of the Florida Plumbing

Code (as may be amended from time to time) may be considered industrial wastewater for the purpose of this division.

(d) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**Sec. 82-265 Pretreatment facilities.**

Industrial users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in section 82-181 within the time limitations specified by EPA, the state or the director, whichever is the more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the director for review and shall be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the county under the provisions of this article.

**Sec. 82-266. Additional pretreatment measures.**

(a) Whenever deemed necessary, the director may require IUs to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastewater wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WWF and determine the IU's compliance with the requirements of this division.

(b) The director may require any person discharging into the WWF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

**Sec. 82-267. Designation of separate sources of constituents.**



(a) *Firm with multiple buildings.* Where a business or industrial firm is operating as an integrated manufacturing complex, involving more than one building and having separate sewer connections within the same contributory area, such firm may be considered as one unit with multiple sewers.

(b) *A block and lot with multiple buildings.* Where a parcel of real property consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

(c) *Multi-tenanted industrial buildings.* Where a parcel of real property consisting of one block and lot, or lots, is occupied by a multi-tenanted industrial building connected to the WWF by one or more sewers and the tenants in said building discharge wastewater into the drainage system, each tenant shall be considered a separate source of constituents and the constituent concentration shall be determined at sampling locations selected by the director for each source.

(d) *Industrial park or industrial building complex.* Where a parcel of real property consists of more than one block and lot, and one or more buildings on said parcel occupy a single block, each such building or buildings may be considered a block and lot with multiple buildings and the constituent concentration discharged from said building or buildings to the WWF shall be determined as prescribed under subsection (b) of this section.

(e) *Tenant activities.* Any tenant of such real property as described in subsections (a), (b), (c) and (d) of this section shall comply with all of the rules and regulations of this division.

(f) Except as provided in this section, domestic wastewater mixed with industrial wastewater prior to discharge to the WWF shall be industrial wastewater for the purposes of this division.

#### **Sec. 82-268. Hauled wastewater.**

(a) Septic tank waste may be introduced into the WWF only at locations designated by the director and at such times as are established by the director. Such waste shall not violate

section 82-181 or any other requirements established by the city. The director may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The director may require generators of hauled septage or industrial waste to obtain individual wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.

(c) Septage and industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Septage and industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

**Sec. 82-269. Wastewater discharge permit requirement for IU.**

(a) No SIU shall discharge wastewater into the WWF without first obtaining a wastewater discharge permit from the director, except that any SIU who was discharging wastewater into the WWF prior to the effective date of this article that has filed a timely application pursuant to section 82-263 may continue to discharge until the permit has been issued by the director.

(b) The director may require other IUs to obtain wastewater discharge permits necessary to carry out the purpose of this division.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subject the wastewater discharge permittee to the enforcement provisions set forth in sections 82-396 through 82-425. Obtaining a wastewater discharge permit does not relieve a



permittee of its obligations to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law and regulation.

(d) The director shall have authority to deny new or increased contributions of pollutants, or changes in the nature of pollutants, to the WWF by IUs where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the WWF to violate its NPDES permit.

**Sec. 82-270. Wastewater analysis for IU.**

When requested by the director, an IU must submit information on the nature and characteristics of its wastewater within 45 calendar days of the request. The director is authorized to prepare a form for this purpose and may periodically require IUs to update this information.

**Sec. 82-271. Existing connections of IU.**

Any IU required to obtain a wastewater discharge permit who was discharging wastewater into the WWF prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within 60 calendar days after said date, apply to the director for a wastewater discharge permit in accordance with section 82-263, and shall not cause or allow discharges to the WWF to continue after 180 calendar days of the effective date of this article except as provided in section 82-263.

**Sec. 82-272. New connections of IU.**

Any IU required to obtain a wastewater discharge permit who proposes to begin or commence discharging into the WWF must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 82-263, must be filed at least 90 calendar days prior to the date upon which any discharge will begin or recommence.

**Sec. 82-273. Terms and conditions specified for IU.**

(a) A wastewater discharge permit must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
- (2) A statement that the wastewater discharge permit is not transferable without prior authorization by the city according to the provisions found in section 82-275. A copy of the existing permit will be provided to the new operator or owner;
- (3) Discharge limits based on applicable pretreatment standards including best management practices and any other limits the director deems necessary to prevent pass through and interference;
- (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law;
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with subsection 82-285(f);
- (6) Any grant of the monitoring waiver by the director will be included as a condition in the IU's permit;
- (7) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state and local law;
- (8) Requirements to control slug discharge, if determined by the director to be necessary; and
- (9) A signature and certification in accordance with section 82-295.

(b) A wastewater discharge permit may contain, but need not be limited to, the following:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the WWF;
- (3) Requirement for the development and implementation of a toxic organic management plan (TOMP), including control measures to prevent entry of toxic organics and other solvents into the sanitary sewer system;
- (4) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;
- (5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WWF;
- (6) The unit charge or schedule of IU charges and fees for the management of the wastewater discharged to the WWF;
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and



- (9) Other conditions as deemed appropriate by the director to ensure compliance with this article and federal, state and local laws and regulations.

(c) *Permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specified date.

**Sec. 82-274. Modification of terms and conditions of IU.**

(a) The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements, including any such standard established in a federal or state permit;
- (2) To address significant alterations or additions to the IU's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the WWF, city or county personnel or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to Rule 62-625.700, F.A.C, as incorporated in paragraph 82-182(a) (5);

- (8) To correct typographical or other errors in the wastewater discharge permit;
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator; or
- (10) Revision of or a grant of a removal credit pursuant to Rule 62-625.420, F.A.C., as incorporated in section 82-187.

(b) Whenever possible, permittees shall be informed of any proposed changes in permits at least 90 calendar days prior to the effective date of the change. Permittees shall be allowed a comment period relating to any of the proposed changes in the permit. This comment period shall be the first 45 calendar days of the 90-day period prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### **Sec. 82-275. Transfer.**

(a) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 calendar days advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(b) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer until reinstated by the director.

#### **Sec. 82-276. Revocation.**

(a) The director or the city may only revoke a wastewater discharge permit for good cause. Good cause includes, but is not limited to any of, the following reasons:

- (1) Failure to provide prior notification to the director of changed conditions, including significant changes to the quantity and quality of wastewater discharge, pursuant to section 82-282;
- (2) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (3) Falsifying self-monitoring reports and certification statements;
- (4) Tampering with monitoring equipment;
- (5) Refusing to allow the director timely access to the facility premises and records;
- (6) Failure to meet compliance schedules;
- (7) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (8) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (9) Failure to meet IU effluent limitations;
- (10) Failure to pay fines;
- (11) Failure to pay sewer charges; or
- (12) Violating any provision of this division, any order, agreement, or wastewater discharge permit issued under this division or any other pretreatment standard or requirement.

(b) Wastewater discharge permits shall be voidable upon cessation of operation. All wastewater discharge permits issued to a particular IU are void upon the issuance of a new wastewater discharge permit to that IU.



(c) The director shall not revoke a discharge permit without first delivering to the permittee written notice of such revocation. The notice shall state the reason or reasons for the revocation.

**Sec. 82-277. Reclassified industrial users.**

Any IU that is reclassified as a SIU and discharges industrial wastewater into the WWF after the effective date of this article and who wishes to continue such discharges in the future, shall, within 90 calendar days after said date, apply to the city for a wastewater discharge permit. Such SIUs shall not cause or allow discharges to the system to continue after 180 calendar days of the effective date of becoming reclassified as an SIU, except in accordance with a permit issued by the director.

**Sec. 82-278. Reissuance.**

An IU with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete application letter, in accordance with section 82-263, a minimum of 60 calendar days prior to the expiration of the IU's existing wastewater discharge permit. If the IU's existing permit expires after a completed application for reissuance has been submitted to the director in accordance with this section, the director shall allow the IU to continue to discharge under the existing permit until a final decision is made on the IU's application for reissuance.

**Sec. 82-279. Appeals to the director.**

(a) The director shall provide public notice of the issuance of a permit. Any person subject to any provision of this article may petition the director to reconsider a decision concerning the issuance, modification, transfer or revocation of a permit, within 30 calendar days of notice of its issuance, or to reconsider any other action by the director taken pursuant to this article, within 30 calendar days of notice of that action.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

- (2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for the objection and the alternative condition, if any, it seeks to place in the permit.
- (3) The effectiveness of permit or permit provision shall be stayed pending the appeal.
- (4) If the director fails to act within 30 calendar days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit or other action, not to issue a permit or not to modify a permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of a final administrative decision must do so by filing a complaint with the Circuit Court of Bay County within 60 calendar days after issuance of that decision.

**Sec. 82-280. Reserved.**

Section 6. Sections 82-281 through 82-300 of the Code of Ordinances, City of Parker, Florida, are hereby replaced and amended to read as follows:

DIVISION 6. REPORTING REQUIREMENTS OF INDUSTRIAL USERS

**Sec. 82-281. Monitoring programs and reports by industrial users.**

(a) The director may require IUs to provide such technical or monitoring programs, including the submission of periodic reports, as he deems necessary; provided, however, that the burden, including costs, of such programs and reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

(b) The monitoring program may require the IU to conduct a sampling and analysis program of a frequency and type specified by the director to demonstrate compliance with prescribed wastewater discharge limits. The IU may either:

- (1) Conduct his/her own sampling and analysis program, provided he/she demonstrates to the director that he/she has the necessary certifications, qualifications and facilities to perform the work; or
- (2) Engage a private, certified laboratory, approved by the director.

(c) If sampling performed by an IU indicates a violation, the IU shall notify the director within 24-hours of becoming aware of the violation. The IU shall also repeat the sampling and analysis within 15 calendar days of becoming aware of the violation and submit the results of the repeat analysis to the WWF within 30 calendar days after becoming aware of the violation, except an IU is not required to resample if:

- (1) The WWF performs sampling at the IU at a frequency of at least once per month; or
- (2) The WWF performs sampling at the IU between the time when the IU performs its initial sampling and the time when the IU receives the results of this sampling.

#### **Sec. 82-282. Baseline monitoring reports.**

(a) Within either 180 calendar days after the effective date of a categorical pretreatment standard or the final administrative decision made upon a category determination submission under Rule 62-625.410(2)(d), F.A.C., as hereby incorporated, whichever is later, existing IUs subject to categorical pretreatment standards currently discharging to or scheduled to discharge to the WWF shall submit to the director a report which contains the information listed in subsection (b) below. When reports containing this information have already been submitted to the director, the IU will not be required to submit this information again. At least 90 calendar days prior to commencement of their discharge, new sources and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical pretreatment standard,



shall submit to the director a report that contains the information listed in paragraphs (1) through (5) of subsection (b) below, giving estimates of the information requested in paragraphs (4) and (5). A new source shall also report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards.

(b) Industrial users described above shall submit the information set forth below.

- (1) *Identifying information.* The name and address of the facility, including the name of the operators and owners.
- (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
- (3) *Description of operations.* A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such IU. This description should include a schematic process diagram that indicates points of discharge to the WWF from the regulated processes.
- (4) *Flow measurement.* Information showing the measured average daily maximum daily flow, in gallons per day, to the WWF from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in subsection 62-625.410(6), F.A.C.. The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (5) *Measurement of pollutants.*
  - a. The IU shall provide the information required in subsection 82-263(a)(7) and comply with the sampling and analysis requirements in section 82-294.
  - b. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such

sampling and analysis is representative of normal work cycles and expected pollutant discharges to the WWF.

- c. The director may allow the submission of a baseline report that utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures and the historical data is representative of the current discharge.
- (6) *Certification.* A statement, reviewed by the IU's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the IU will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set for in section 82-283.
- a. Where the IU's categorical pretreatment standard has been modified by a removal allowance (Rule 62-625.420, F.A.C., as incorporated in section 82-187), the combined waste stream formula (subsection 62-625.410(6), F.A.C., as incorporated in subsection 82-182(a)(3)) and/or a fundamentally different factors variance (Rule 62-625.700, F.A.C., as incorporated in subsection 82-182(a)(5)) at the time the IU submits the report required by subsection (a) of this section, the information required by subsections (b)(6) and (7) of

this section shall pertain to the modified limits.

- b. If the categorical pretreatment standard is modified by a removal allowance (Rule 62-625.420, F.A.C., as incorporated in section 82-187), the combined wastestream formula (subsection 62-625.410(6), F.A.C., as incorporated in subsection 82-182(a)(3)) and/or a fundamentally different factors variance (Rule 62-625.700, F.A.C., as incorporated in subsection 82-182(a)(5)) after the IU submits the report required by subsection (a) of this section, any necessary amendments to the information requested by subsections (b)(6) and (7) of this section shall be submitted by the IU to the director within 60 calendar days after the modified limit is approved.

- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with section 82-295.

**Sec. 82-283. Compliance schedule progress reports.**

(a) The following conditions shall apply to the compliance schedule required by subsection 82-282(b)(7):

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components and commencing and completing construction.
- (2) No increment referred to in paragraph (1) above shall exceed nine months.
- (3) The IU shall submit a progress report to the director no later than 14 calendar days following



each date in the schedule and the final date of compliance, including, at a minimum, whether or not the IU complied with the increment of progress to be met on that date, and, if not, the date it expects to comply, the reason for delay and the steps being taken by the IU to return to the established schedule.

- (4) In no event shall more than nine months elapse between such progress reports to the director.

**Sec. 82-284. Reports on compliance with categorical pretreatment standard deadline.**

(a) Within 90 calendar days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the WWF, any IU subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections 82-282(b)(4) through (6).

(b) For all IUs subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall contain the IU's actual production during the appropriate sampling period.

(c) For IUs subject to equivalent mass or concentration limits established in accordance with the procedures in subsection 62-625.410(4), F.A.C., as hereby incorporated, this report shall contain a reasonable measure of the IU's long-term production rate.

(d) All compliance reports must be signed and certified in accordance with section 82-295.

**Sec. 82-285. Periodic compliance reports.**

(a) Any IU subject to a categorical pretreatment standard, after the compliance date of that pretreatment standard or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating

the nature and concentration of pollutants in the discharge which are limited by such categorical pretreatment standards, and a reasonable measure of the IU's long-term production rate. If an IU is subject to categorical standards with only production-based limits, actual average production rate data for the reporting period must be given. In addition, this report shall include a record of measures or estimated average and maximum daily flows for the reporting period for the discharge reported in subsection 82-282(b)(4) except that the director may require more detailed reporting of flows. At the discretion of the director and in consideration of such factors as the local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted. In cases where the pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the IU must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the IU.

(b) All wastewater samples must be representative of the IU's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of an IU to keep its monitoring facility in good working order shall not be grounds for the IU to claim that sample results are unrepresentative of its discharge.

(c) If an IU subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director using the procedures prescribed in section 82-294, the results of this monitoring shall be included in the report.

(d) Periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The director shall require that frequency of monitoring necessary to assess and assure compliance by IUs with applicable pretreatment standards and requirements.

(e) All periodic compliance reports must be signed and certified in accordance with section 82-295.

(f) The city may authorize the IU subject to a categorical pretreatment standard to waive sampling of a pollutant regulated

by a categorical pretreatment standard if the IU demonstrates the following through sampling and other technical factors:

- (1) The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the IU; and
- (2) The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
- (3) This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:
  - a. The monitoring waiver is valid only for the duration of the effective period of the IU permit, and in no case longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
  - b. In making a demonstration that a pollutant is not present, the IU must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the FDEP-approved method from Rule 62-4.246, F.A.C., with the lowest method detection limit for that pollutant was used in the analysis.



- c. The request for a monitoring waiver must be signed in accordance with section 82-295 below including the certification statement.
- d. The authorization will be included as a condition in the IU's permit. The reasons supporting the waiver and any information submitted by the IU in its request for the waiver will be maintained by the control authority for three years after expiration of the waiver.
- e. Upon approval of the monitoring waiver and revision of the IU's permit by the control authority, the IU must certify each report with the following statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under paragraph 82-285(a), of City of Parker Code of Ordinances."
- g. In the event that a waived pollutant is found to be present, or is expected to be present, based on changes that occur in the IU's operations, the IU must immediately notify the control authority and comply with the monitoring requirements of subsections 82-285(a) through (e) or other more frequent monitoring requirements imposed by the county.

**Sec. 82-286. Reports from industrial users not subject to categorical standards.**

(a) The director shall require appropriate reporting from those SIUs with discharges that are not subject to categorical pretreatment standards.

- (1) Significant noncategorical industrial users shall submit to the director at least once every six months (on dates specified by the director), a description of the nature, concentration and flow of pollutants required to be reported by the director.
- (2) These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the procedures prescribed in section 82-294.
- (3) In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the IU must submit documentation required by the control authority to determine the compliance status of the IU.

**Sec. 82-287. Reports from nonpermitted industrial users.**

The director may require IUs that are not required to obtain wastewater discharge permits to submit a periodic report containing information on the nature, concentration and flow of pollutants entering the WWF.

**Sec. 82-288. Notification of the discharge of hazardous waste.**

(a) Any IU who commences the discharge of hazardous waste shall notify in writing the director, the EPA regional waste management division director and the Florida Department of Environmental Protection of any discharge into the WWF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the IU discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification also shall contain the following information to the extent such information is known and readily available to the IU: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during that calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. For new sources, notification must take place at least

90 calendar days before the discharge commences. For existing sources, notification must occur at least 15 calendar days before the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 82-282. The notification requirement in this section does not apply to pollutants already reported by IUs subject to categorical pretreatment standards under the self-monitoring requirements of section 82-285.

(b) Industrial users are exempt from the requirements of subsection (a) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), as hereby incorporated. Discharges of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), as hereby incorporated, requires a one-time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the IU must notify the director, the EPA regional waste management division director and the Florida Department of Environmental Protection of the discharge of such substance within 90 calendar days of the effective date of such regulations.

(d) In the case of any notification made under this section, the IU shall certify that it has a program to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued under this article or any applicable federal or state law or regulation.

**Sec. 82-289. Slug discharge control plan.**

(a) The director may require an IU that has the ability to cause interference with the WWF or to violate the regulatory



provisions of this article to provide protection from accidental discharge to the WWF of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or IU's own cost and expense. All IUs whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the WWF may be required to have detailed plans on file at the county WWF offices showing facilities and operating procedures to provide this protection. Plans shall be approved by the director. The director may require a new source to have an approved slug discharge control before being allowed to commence discharge. Review and approval of such plans and operating procedures shall not relieve the IU from the responsibility to modify its facility as necessary to meet the requirements of this article. At a minimum, the slug discharge control plan shall contain the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the WWF of slug discharges including any discharge that would violate a prohibition under subsection 82-181(b), with procedures for follow-up written notification within five calendar days, in accordance with section 82-290;
- (4) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response.

**Sec. 82-290. Reports of potential problems.**

(a) In the case of any discharge, including, but not limited to, unanticipated or accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch

discharge, a slug discharge or slug load, that may cause interference with the WWF or violate regulatory requirements of this division, it shall be the responsibility of the IU to immediately notify the city and Bay County WWF offices of the incident as soon as they become aware of the discharge. The notification shall include the name of the person providing the notification, location and time of discharge, type of wastewater, concentration and volume and corrective actions taken by the IU.

(b) Within five (5) calendar days following such discharge, the IU shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expense, loss, damage, or other liability which might be incurred as a result of damage to the WWF, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this division.

(c) A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

(d) Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

#### **Sec. 82-291. Reports of changed conditions.**

(a) Each IU shall notify the director of any planned substantial changes to the IU's operations or system which might alter the nature, quality or volume of its wastewater at least 90 calendar days before the change or immediately after the IU has knowledge such change will occur.

(1) The director may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 85-263.

- (2) The director may issue a wastewater discharge permit under section 82-273 or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, substantial changes include, but are not limited to, flow increases of 20 percent or greater, the discharge of any previously unreported pollutants or any other change the director finds necessary for the IU to report in order to prevent pass through or interference.

**Sec. 82-292. Recordkeeping.**

Industrial users subject to the reporting requirements of this division, including documentation associated with best management practices, shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed and who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years whether or not such monitoring activities are required by this article or a permit. This period shall be automatically extended for the duration of any unresolved litigation concerning the IU or the county or when requested by the director or the EPA regional administrator.

**Sec. 82-293. Monitoring, sampling and measuring facilities and equipment.**

(a) The director may require any IU to construct, at the IU's expense, monitoring facilities to allow inspection, sampling and flow measurement of the waste discharged, together with sampling or metering equipment to be provided, installed and operated at the IU's expense. Such inspection chamber or control manhole shall be situated on the IU's premises and shall be constructed and operated to permit accurate sampling and flow measurements of all wastes discharged. Where conditions do not permit measurement of all discharges from one industrial



facility at a single control manhole, multiple control manholes shall be provided. The control manhole shall be located so as to permit access by county representatives, provide sufficient space for storage of samples and equipment and allow for accurate sampling and flow measurement. Such facilities shall be located so that samples may be taken safely and easily and shall not be obstructed by landscaping, parked vehicles or other activity of the IU.

(b) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable county construction standards and specifications. When, in the judgment of the director, an existing IU requires a monitoring facility, the IU will be so notified in writing. Construction must be completed within 90 calendar days following written notification, unless a time extension is otherwise granted by the director.

**Sec. 82-294. Sampling and analysis.**

(a) Except as indicated in subsection (b) and (c) below, the IU shall collect wastewater samples using 24-hour flow proportional composite sampling techniques. In the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples where the IU demonstrates that this will provide representative samples of the effluent being discharged and the decision to allow the alternative sampling must be documented in the IU file for that facility. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. At least four samples for volatile organic compounds must be collected at least four hours apart in a 24-hour period. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and FDEP-SOP-001/01, multiple grabs collected during a 24-hour period shall be composited in the laboratory prior to analysis.

(c) Oil and grease samples shall be collected in accordance with section (b) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample

shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.

(d) The IU shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section.

(e) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the IU shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in subsection 62-625.410(6), F.A.C., to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated, in accordance with section 82-182, this adjusted limit along with supporting data shall be submitted to the director.

(f) All pollutant analyses, including sampling techniques, to be submitted as part of a report, wastewater discharge permit, or permit application shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and Chapter 62-160, F.A.C., unless otherwise specified in an applicable pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and FDEP. All laboratory analytical reports prepared by the IU or the control authority shall comply with Rule 62-160.340, F.A.C.

(g) At the discretion of the director, sampling and analysis may be performed by the control authority in lieu of the IU. Where the control authority itself chooses to collect all the information required for the reports in sections 82-282, 82-285, 82-286, and 82-287, including flow data, the IU shall not be required to submit the report, in accordance with paragraphs 62-625.600(6)(7)(b), F.A.C.

(h) Samples collected to satisfy reporting requirements in sections 82-282, 82-285, 82-286, and 82-287 must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The control authority shall require a frequency of monitoring necessary to assess and assure compliance by IUs with applicable pretreatment standards and requirements.

(i) Sampling required in support of baseline monitoring and 90-day compliance reports required in sections 82-282 and 82-284 above shall be conducted as follows:

- (1) For IUs where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.
- (2) For IUs where historical sampling data are available, the control authority may authorize a lower minimum.

**Sec. 82-295. Signatory and certification requirements.**

All wastewater discharge permit applications and IU reports must be signed by an authorized representative of the IU and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Sec. 82-296. Timing.**



Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

**Secs. 82-297--82-300. Reserved.**

Section 6. Section 82-301 of the Code of Ordinances, City of Parker, Florida, is hereby replaced and amended to read as follows:

**Sec. 82-301. Right of entry on property of IU and confidential information of IU.**

(a) *Right of entry.*

(1) The director and other authorized representatives of the city bearing proper credentials and identification shall be permitted to immediately enter all IUs; premises at reasonable hours to determine whether the IU is complying with all standard requirements of this division and any wastewater discharge permit or order issued hereunder. Industrial users shall allow the director and other authorized representatives of the city ready access to all parts of the premises for the purposes of inspection, observation, copying, measurement or conducting surveys, sampling in accordance with this division, examining reports and records required by this division or by the director in accordance with this division and any other duties necessary to monitor and enforce compliance with this division. The director shall have the right to set up on the IU's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.

(2) Entry shall normally be made during daylight or operating hours. However, the right is reserved

for the director to enter the IU's premises at any hour of any day the director or other authorized representative of the city deems necessary as a result of abnormal or emergency circumstances. While performing necessary work on the IU's premises, the director or other authorized representative of the city shall observe all reasonable safety rules applicable to the premises established by the IU, and the IU shall be held harmless for injury or death to the city employees, and the city shall indemnify the IU against loss or damage to its property and against liability claims and demands for personal injury or property damage asserted against the IU, except as such may be caused by willful acts, negligence or failure of the IU to maintain safe conditions.

- (3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the IU at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the IU.
- (4) Unreasonable delays in allowing the director and authorized representatives of the city access to the IU's premises shall be a violation of this article.

(b) *Search warrants.* If the director or other authorized representative of the city has been refused access to a building, structure or property, or any part thereof, and the director or city is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director may seek issuance of a search warrant from the Circuit Court of Bay County.

(c) *Confidential information.* Information and data on an IU obtained from reports, questionnaires, permit applications, permits and monitoring programs and inspection and sampling

activities by the city and the director shall be available to the public without restriction unless the IU specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under federal or state law. In addition, the director and the city shall be subject to any confidentiality requirements established under the laws of the State of Florida.

- (1) Effluent information and data provided to the control authority in accordance with subsection 62-625.800(2), F.A.C. shall be available to the public without restriction.
- (2) When requested and demonstrated by the IU furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this article, the NPDES program and in enforcement proceedings involving the person furnishing the report.

Section 6. Section 82-305 of the Code of Ordinances, City of Parker, Florida, is hereby replaced and amended to read as follows:

**Sec. 82-305. Publication of industrial users in significant noncompliance.**

(a) The director shall cause to be published annually, in a daily newspaper of general circulation in the city a list of the IUs which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:



- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken for each pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limit;
- (2) Technical review criteria ("TRC") violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable criteria TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the county WWF personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his/her emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in an agreement with the director, compliance orders, wastewater discharge permit, or other enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within forty-five (45) calendar days after the due date, any reports required by this Code or orders or permits issued

under this article, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;

- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), including a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

Section 6. Section 82-396 through 82-425 of the Code of Ordinances, City of Parker, Florida, are hereby replaced and amended to read as follows:

Division 11. Violations and Redress

**Sec. 82-396. Violations generally.**

Any violation of this article or refusal of any person to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, shall constitute a misdemeanor, and upon conviction, such offending person shall be punished as prescribed in this division. In addition to the penalties provided herein, the city shall be entitled to recover reasonable attorneys' fees, court costs, court reporters' fees and other expense of litigation from persons found to have violated this article or the orders, rules, regulations and permits issued in connection herewith. Each day that any violation of this section shall continue shall constitute a separate offense.

**Sec. 82-397. Suspension of service.**

(a) The city may suspend wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of

persons, to the environment, causes interference to the WWF or causes the city to violate any condition of its NPDES permit.

(b) Any person notified of a suspension of wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including initiation of legal action by the city attorney and immediate severance of the sewer connection, to prevent or minimize damage to the WWF system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or wastewater treatment service upon proof of the elimination of the noncomplying discharge. The user shall submit to the city within five days a statement as provided in section 82-328.

#### **Sec. 82-398. Revocation of permit.**

Any user who violates the following conditions of this article or applicable state and federal regulations, is subject to having his or her permit revoked in accordance with the procedures of this division.

(a) Failure of a user to report factually the wastewater constituents and characteristics of the user's discharge.

(b) Failure of a user to report significant changes in operations, or wastewater constituents and characteristics.

(c) Refusal to permit reasonable access to the user's premises for purposes of inspection and/or monitoring.

(d) Violation of the conditions of the permit.

#### **Sec. 82-399. Notice of violation.**

Whenever the city finds that any user has violated or is violating this article, a wastewater contribution permit, or any prohibition, limitation or requirement contained herein, the city may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.



**Sec. 82-400. Corrective actions.**

(a) In the event of violation of this article, the city, through its agents or employees, may verbally instruct the owner as to the necessary corrective action. If the owner fails to carry out verbal instructions in a timely manner or if a serious violation or hazard to public health exists, the city may issue to the owner a written order stating the nature of the violation, the corrective action and the time limit for completing the corrective action. This time limit will be not less than 24 hours nor more than six months depending upon the type and severity of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. The record of the mailing of said notice or order shall be prima facie evidence thereof and failure of said owner or owners to receive same shall in no way affect the validity of any proceedings conducted pursuant to this article.

(b) A person violating any provisions of this division shall be charged the normal and usual charges for discontinuance and disconnection of said water and sewer services and the usual charges for recommencing said water and sewer services.

**Sec. 82-401. Injunctive relief.**

Whenever a person has violated or continues to violate any provision of this division, any order or permit issued under this division or any other pretreatment standard or requirement, the city, through the city's attorney, may petition the Circuit Court of Bay County for the issuance of a temporary or permanent injunction, as may be appropriate, to restrain the person from violating such provision, order, permit standard or requirement or to compel the specific performance of the provision, permit, order, standard or requirement. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

**Sec. 82-402. Civil penalties.**

(a) Any person that has violated or continues to violate any provision of this article, any order or permit issued under this division or any other pretreatment standard or requirement shall be liable for a maximum civil penalty of \$500.00 per

violation per day. In the case of a monthly or other long-term average pretreatment standard, penalties shall accrue for each business day during the period of the violation.

(b) The city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses associated with the enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the persons' violation, corrective actions by the person, the compliance history of the person and any other factor as justice requires.

(d) Where appropriate, the city may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to county and the persons' expense in undertaking the project is at least 150 percent of the civil penalty.

(e) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a person.

#### **Sec. 82-403. Criminal prosecution.**

(a) Any person that knowingly or willfully violates any provision of this article, any order or permit issued under this division or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500.00 per violation per day or imprisonment in a lawful place for not more than one year, or both.

(b) A person who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than \$500.00, or be subject to imprisonment in a lawful place for not more than one year, or both. This penalty shall be in addition to any other cause of

action for personal injury or property damage available under State law.

(c) Any person that knowingly or willfully makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained under any provision of this division or wastewater discharge permit or order issued under this division, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year, or both.

**Sec. 82-404. Legal action.**

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the appropriate court.

**Sec. 82-405. Statement by user.**

A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 calendar days of the date of occurrence.

**Sec. 82-406. False statements.**

Any person who knowingly makes any false statements, representation or certification in any application, record, plan or other document filed or required to be maintained pursuant to this article, or wastewater contribution permits, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished as provided herein.

**Sec. 82-407. Liability for costs and expenses.**



Any person violating any of the provisions of this article shall be liable to the city for any expense, loss or damage incurred by the city by reason of such violation.

**Sec. 82-408. Unpaid charges; liens.**

(a) Any unpaid charges for water service imposed under article II or sewer service imposed hereunder and any unpaid fines or other assessments imposed hereunder shall constitute a lien on the property served by the water and/or sewer. Such lien shall be perfected by filing of a notice of claim by the city in the office of the Clerk of the Circuit Court of Bay County, Florida setting forth the description of the property, the name of the owner according to the last completed tax roll and the amount of the claim. Such lien shall continue in force for a period of five years from the date of filing and may be enforced in accordance with Florida law.

(b) Any person who physically makes a connection for which the charge imposed hereunder is not paid in full, and the employer of such person where the employment relates to the making of such connection, and the owner of the premises for which such connection is made, shall be jointly and severally liable for those charges due. Further, after notice and opportunity to pay the charge due or remove the plumbing fixture for which the charge has not been paid, the city shall terminate water service to the entire premises.

**Sec. 82-409. Other prosecutions.**

Nothing contained herein shall prohibit the prosecution of any person for any act specified herein which act may constitute a violation of any other statute or ordinance.

**Sec. 82-410. Administrative enforcement remedies against IU.**

(a) *Voluntary program.* Should an IU present to the director, at any time prior to being required to do so, information, data, plans, schedules and the like relating to a proposed procedure for the prevention of discharges in violation of the provisions of this article, the director may receive such material and initiate procedures for the preparation of an agreement under paragraph (c). The presentation of material to the director, the acceptance of such material by the director or commencement of procedures for the issuance of an agreement

shall not prevent the director from issuing any notice of violation under paragraph (b), nor does it exempt any IU from the provisions of this article. An IU-initiated voluntary program meets the definition of "good faith effort".

(b) *Notification of violation.* Whenever the director finds that any IU has violated or is violating a provision of this article, any order or permit issued under this article, or any other pretreatment standard or requirement, the director may serve upon the IU a written notice of violation. Within ten (10) calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the IU of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take emergency action without first issuing a notice of violation.

(c) *Agreements.* The director is hereby empowered to enter into agreements, assurances of voluntary compliance or other similar documents establishing an agreement with the IU responsible for noncompliance. Such agreements include specific action to be taken by the IU to correct the noncompliance within a time period also specified by the agreement. Agreements shall have the same force and effect as administrative orders issued pursuant to paragraphs (e) and (f) and shall be judicially enforceable.

(d) *Show cause hearing.* The city may order any IU that causes or contributes to a violation of any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the IU show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days prior to the meeting. Such notice may be served on any authorized representative of the IU. Whether or not the IU appears as noticed, immediate enforcement action may be pursued following the meeting date. A show cause hearing



shall not be a bar against, or prerequisite for, taking any other action against the IU.

(e) *Compliance orders.* When the director finds that an IU has violated or is violating any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement, he may issue an order to the IU responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain such other requirements as might be reasonable necessary and appropriate to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the WWF. Furthermore, the director may continue to require such additional self-monitoring for at least 90 calendar days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the IU of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

(f) *Cease and desist orders.*

(1) When the director finds that an IU has violated or is violating any provision of this article, any order or permit issued under this article or any other pretreatment standard or requirement, the director may issue an order to the IU to cease and desist any and all such violations and direct the IU to:

- a. Immediately comply with all requirements, and
- b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.



- (2) Such IU shall be notified of the director's remedial or preventive action and be offered an opportunity to show cause under paragraph (d) why the proposed action should not be taken.
- (3) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the IU.

(g) *Emergency suspensions.*

- (1) The director or his/her designee shall have authority to immediately suspend the wastewater discharge permit of an IU for a period not to exceed 30 calendar days whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, interferes with the operation of the treatment plant or which presents or may present an endangerment to the environment.
- (2) In accordance with sub-subparagraph 62-625.500(2)(a)5.b, F.A.C, the director or his/her designee shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare or which threatens to interfere with the operation of the WWF. Notice shall be provided to the IU prior to such action. If public health or welfare are not endangered, the IU shall be given an opportunity to respond to the notice. Any IU notified of a suspension of its wastewater discharge permit shall immediately terminate or eliminate its contribution. In the event of an IU's failure to immediately comply with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream or endangerment to any individuals. The director shall allow the IU to recommence its discharge when the IU has demonstrated to the satisfaction of the director

that the period of endangerment has passed, unless termination or revocation proceedings pursuant to this division are initiated against the IU.

- (3) An IU that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the director describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of any show cause or injunctive relief hearing under paragraph (d) and section 82-401, respectively.

(h) *Termination of service.* In addition to the provisions in subsection (g) above, any IU who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the IU's premises for the purpose of inspection, monitoring or sampling; or
- (5) Violation of the pretreatment standards in this article.

Such IU will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under paragraph (d) why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the IU.

(i) *Administrative fines.* The City Council, upon recommendation by the director, may impose administrative fines

upon non-compliant IUs. An administrative fine is a monetary penalty assessed by the control authority for violations of pretreatment standards and requirements. These fines are punitive in nature and are not related to a specific cost borne by the county. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the IU.

**Sec. 82-411. Affirmative defenses to discharge violations of IU.**

(a) *Upset.*

- (1) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (2), below, are met.
- (2) An IU who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
  - a. An upset occurred and the IU can identify the cause(s) of the upset;
  - b. The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
  - c. The IU has submitted the following information to the director within 24-hours of becoming aware of this upset:
    1. A description of the discharge and cause of noncompliance;
    2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
    3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance; and



4. If this information is provided orally, a written submission must be provided within five (5) calendar days.
- (3) In any enforcement proceeding, the IU seeking to establish the occurrence of an upset shall have the burden of proof.
- (4) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- (5) Industrial users shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(b) *General/specific prohibitions.* An IU shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 82-181(a) and the specific prohibitions in paragraphs 82-181(b)(3) through (7), (9) through (10) and (12) through (18) if it can prove that it did not know or have reason to know that its discharge would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged that caused the pass through or interference and the IU was in compliance with each limit directly prior to and during the pass through or interference, or
- (2) No applicable local limit exists, but the discharge directly prior to and during the pass through or interference, did not change substantially in nature or constituents from the IU's prior discharge activity when the city was regularly in compliance with its NPDES permit

and, in the case of interference, with applicable biosolids use or disposal requirements.

This defense does not apply to the specific prohibitions in subsections 82-181(b)(1), (2), (8) and (11).

(c) *Bypass.*

(1) For the purposes of this section:

a. "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 that 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.

(2) *Permissible bypass.* An IU may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this subsection.

(2) *Notice.*

a. If an IU knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) calendar days before the date of the bypass, if possible.

b. An IU shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within 24-hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) calendar days of the time the IU becomes aware of the bypass. The written submission shall contain a description of the bypass

and its cause, the duration of the bypass, including exact dates and time and, if the bypass has not been corrected, the anticipated time it is expected to continue. The submission shall also contain steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director may waive the written submission on a case-by-case basis if the oral report has been received within 24-hours.

(3) *Prohibited bypass.*

- a. Bypass is prohibited, and the director may take an enforcement action against an IU for a bypass, unless:
  - 1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
  - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal period of equipment downtime or preventative maintenance; and
  - 3. The IU submitted notices as required under paragraph (3) of this subsection.
- b. The director may approve an anticipated bypass after considering its adverse effects if the director determines that it will meet the three conditions listed in subparagraph a. of this paragraph.



**Sec. 25-412. - Remedies Nonexclusive.**

The remedies provided for in this ordinance are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant IU. Enforcement of pretreatment violations will generally be in accordance with the control authority's enforcement response plan. However, the director may take other action against any IU when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant IU.

**Secs. 82-413--82-425. Reserved.**

Section 7. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the city clerk or the clerk's designee, without public hearing.

Section 9. This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 10. The provisions of this Ordinance shall become part of the Code of the City of Parker, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 12. This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF PARKER

\_\_\_\_\_  
Richard Musgrave, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Rowell, City Clerk

Examined and approved by me, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Richard Musgrave, Mayor

2017-\_\_\_\_\_

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\_\_\_/\_\_\_/2017



## CITY OF PARKER AGENDA ITEM SUMMARY

**1. DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:**

Planning Commission/Legal

**2. MEETING DATE:**

October 17, 2017

**3. REQUESTED MOTION/ACTION:**

Have first reading of Ordinance 2017-380 re: medical marijuana treatment centers (MMTCs)

Hear from Planning Commission Chairman Valle on the Commission recommendation

**4. IS THIS ITEM BUDGETED (IF APPLICABLE)**

YES

☐

NO

☐

N/A

☒

**5. BACKGROUND: (PROVIDE HISTORY; WHY THE ACTION IS NEEDED; WHAT GOAL WILL BE ACHIEVED FOR THE CITY)**

The Planning Commission began reviewing this issue early this year. After the bill passed during the 2017 Legislative Special Session limited local government action to either 1) prohibiting MMTCs, or 2) regulating them no more stringently than pharmacies, the Commission's draft ordinance to amend the LDR allows MMTCs in the City, but prohibits MMTCs and pharmacies in Residential and Mixed Use 1 districts.

AGENDA ITEM #

4





ORDINANCE NO. 2017-380

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING ORDINANCE 2012-358, AS AMENDED, ADOPTING BY REFERENCE THE CITY'S COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION CODE; AMENDING VARIOUS SECTIONS OF THE CITY'S COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION CODE INCLUDING DEFINITIONS AND PROHIBITED USES WITHIN A MIXED USE-ONE (MU-1) LAND USE DISTRICT; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1. Section 2-2 of the City's Comprehensive Planning and Land Development Regulation Code ("LDR") adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

**Sec. 2-2. DEFINITIONS**

**ABANDONED SIGN.** A sign which no longer identifies or advertises a bona fide business; lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

**ABUTTING.** Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

**ACCESSORY DWELLING UNIT.** An additional, ancillary dwelling unit located on the same lot or parcel as a principal dwelling unit. Accessory dwelling units are not allowed within the City.

**ACCESSORY STRUCTURE (APPURTENANT STRUCTURE).** A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, shall not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, temporary carports, storage buildings and pole barns.

**ACCESSORY USE.** A subordinate or ancillary use of land, or structure or improvements thereon or portion thereof, customarily used in connection with the occupation of a principle structure upon the same lot, parcel or property.

**ADULT CONGREGATE LIVING FACILITY (ACLF).** A type of residential care facility as defined in Section 400.021, Florida Statutes. Any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-

**MANUFACTURED BUILDING.** As defined by Chapter 553, Part I, Florida Statutes, a manufactured building is defined as a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building which shall include, but not limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage buildings manufactured and assembled offsite by a manufacturer certified in conformance with Chapter 553, Part I, Florida Statutes. This definition does not apply to mobile homes.

**MANUFACTURED HOUSING or MANUFACTURED HOME.** As defined by Title 24 CFR, Part 3280, a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length; and when erected on site, is 320 or more square feet in living area; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to §3282.13 and complies with the standards set forth in part 3280. Such term shall not include any self-propelled vehicle such as a Recreational Vehicle.

**MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION.** A parcel (or contiguous parcels) of land divided into three or more manufactured home lots for rent or sale.

**MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION.** (As relating to Article 8 Floodplain Management only.) A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARIJUANA.** This term has the same meaning as defined in Section 381.986(1)(f), Florida Statutes (2017), as may be amended or superseded.

**MEDICAL MARIJUANA TREATMENT CENTER ("MMTC").** An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department of Health or its successor agency.

**MARINE HABITAT.** An area where living marine resources naturally exist or occur, such as seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

**MARINE REPAIR FACILITY.** A business activity, with attendant upland or in-water facilities, primarily intended for use in the repair, construction, maintenance, refurbishing, reconstruction, or installation of equipment on boats or vessels.

**MARKET VALUE.** (As relating to Article 8 Floodplain Management only.) The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As



frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. Upon legislative ratification of the methodology adopted pursuant to Section 373.421(1), as amended, the limitation contained herein regarding the purpose of this definition shall cease to be effective.

**WINDOW SIGN.** A sign installed inside a window and intended to be viewed from the outside.

**XERISCAPE.** Landscaping that maximizes the conservation of water by the use of site appropriate plants and an efficient watering system. The principles of xeriscaping landscaping include planning and design, appropriate choice of plants, soil analysis, the use of solid waste compost as a soil amendment, efficient irrigation, practical use of turf, appropriate use of mulches and proper maintenance.

**YARD.** An open space on the same lot with a principal structure, unoccupied and unobstructed from the ground upward, except by trees, or shrubbery or other permitted improvements.

**YARD, FRONT.** A yard extending across the full width of the lot from the front of the principal structure or any projections thereof (except the roof overhang or uncovered steps), to the front lot line.

**YARD, REAR.** A yard extending across the full width of the lot and between the rear lot and rear line of the principal structure or any projections thereof (except the roof overhang or uncovered steps) and does not include the front and side yards.

**YARD, SIDE.** A yard extending along the side of a principal structure situated between the side line of the principal structure, or any projections thereof, and side lot line (excluding roof overhang).

Section 2. Section 4-5.2 of the LDR adopted by reference in Ordinance No. 2012-358, as amended, is hereby amended as follows:

**4-5.2 Mixed Use-One (MU-1)**

**1. Purpose**

The mixed use concept is specifically intended to provide flexibility in the planning and permitting process by allowing a range of land uses within one district. Emphasis is on performance mitigation such as landscaping, fencing, lighting, noise

standards, etc. to promote compatibility among land uses while also providing property owners with a range of options for use of their property.

## 2. Allowable Uses

The following uses are allowed as of right in the Mixed Use One district, all other uses are prohibited:

- a. All uses and conditional uses allowed in the residential district;
- b. Medium-density attached residential dwellings, including apartments, townhouses and condominiums;
- c. Low intensity commercial development. For purposes of this section, low intensity commercial development shall include all lawful commercial activities eligible to obtain a valid business license from the City in accordance with Chapter 18 of the City's Code with the exception of the uses prohibited in subsection 4-5.2.4;
- d. Parks;
- e. Public/Institutional uses;
- f. Educational uses;
- g. Public service and utilities;
- h. Private recreation uses; and
- i. Signs as provided for and set forth in Article 7 of these Land Development Regulations.

## 3. Conditional Uses

The following uses may be permitted in the Mixed Use One district provided the performance standards specified in Section 5-6. are met.

- a. Subdivisions provided all standards are met as set forth in Section 5-10 of these Land Development Regulations, and performance standards are met as set forth in Section 5-6 of these Land Development Regulations.
- b. Mobile Home / Manufactured Home parks that are not located within any noise contour equal to or above the 65 dB DNL as depicted on the City adopted AICUZ overlay of Tyndall Air Force Base, provided all standards are met as set forth in Section 5-11 of these Land Development Regulations, and performance standards are met as set forth in Section 5-6 of these Land Development Regulations.
- c. Recreational Vehicle Parks provided Subsection 5-12 of the Land Development Regulations are met.

#### 4. Prohibited Uses

In addition to any other uses not permitted or conditional within the Mixed Use One district, the following uses are specifically prohibited in the Mixed Use One district.

Animal Boarding	Manufacturing/Assembly Plants
Appliance Repairs	Major Shopping Center
Automobile Related Services	<u>Medical Marijuana Treatment Center</u>
Building Materials	Mobile Home / Manufactured Home Repair
Boat Repair	Marine Repair Facility
Bowling Alleys	Mobile Home / Manufactured Home Sales
Equipment or Parts Storage Yards	<u>Pharmacy</u>
Equipment Rental	Storage Warehouse
Heating Fuel Distributor	Skating Rink
	Wrecker Service

#### 5. Development Standards

- a. Maximum Density: 15 du/ac
- b. Maximum Building Height: Residential 120 ft / 12 stories  
Non-Residential 25 ft / 2 stories
- c. Minimum Lot Setbacks
  - i. Front Yard: 15 feet
  - ii. Side Yard: 7 feet
  - iii. Rear Yard: 15 feet
  - iv. Corner Lots: 10 feet
- d. Maximum Lot Coverage: 80%
- e. Minimum Lot Size: 5,000 sq.ft.
- f. Floor Area Ratio (FAR): 1.0



Section 3. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Scrivener's Error.

The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 5. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 6. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its  
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passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City  
Council of the City of Parker, Florida as of the \_\_\_\_ day of  
\_\_\_\_\_, 2017.

CITY OF PARKER

\_\_\_\_\_  
Richard Musgrave, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Rowell, City Clerk

Examined and approved by me, this \_\_\_\_ day of \_\_\_\_\_,  
2017.

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Richard Musgrave, Mayor

