

TOWN OF CALLAHAN, FLORIDA
ORDINANCE NO.: 2019-O04

AN ORDINANCE OF THE TOWN OF CALLAHAN TO AMEND CHAPTER 190 OF THE CALLAHAN CODE BY REMOVING OUTDATED PROVISIONS, UPDATING FEES, UPDATING CONNECTION REQUIREMENTS, AND UPDATING SUPERSEDED LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 190 of the Code of the Town of Callahan governing water and sewer connections contains numerous provisions that are outdated due to changes in state law and other regulations, outdated fees, outdated connection requirements, and language that no longer pertains to the Town; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CALLAHAN, FLORIDA, AS FOLLOWS:

Section 1. Part 2 – Septic Tanks – of Article 1, covering §§ 190-4 through 190-7 is hereby deleted in its entirety, and subsequent parts of Article II shall be renumbered accordingly.

Section 2. Section 190-8 of the Code of the Town of Callahan is hereby amended as follows:

A. The Town will make water and sewer main connections taps, ~~water main connections~~, service lines, and water meter installations within publicly owned rights-of-way or construction easements at a cost to the customer of ~~\$1,300~~ \$1,000 for each water and sewer connection. ~~Customer Classifications I through IV. Connection charges for all other classifications will be at cost.~~

B. For customers with water lines that exceeds two inches, the Town will charge the customer the actual cost of any water lines and meters the Town supplies in addition to the connection fees set forth in Subsection A. ~~The Town will make all sewer main taps, sewer main connections and house service line installations within publicly owned rights-of-way or construction easements at a cost to the customer of \$1,000 for Customer Classifications I through IV. Connection charges for all other classifications will be at cost.~~

C. Any customer with a meter two inches or larger will be assessed a \$50.00 annual meter fee on October water bill each year.

Section 3. Section 190-9 of the Code of the Town of Callahan is hereby amended as follows:

Where the same shall be available, the owner of every lot or parcel of land within the municipal limits of the Town of Callahan, Florida, ~~may~~ shall connect or cause the plumbing of any building or buildings thereon to be connected with the municipal waterworks system of the Town of Callahan, Florida, and use the facilities of such system. All such connections shall be made in accordance with the rules and

regulations which shall be adopted from time to time by the Town Council of the Town of Callahan, Florida, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such Town Council may fix and determine.

Section 4. Section 190-10 of the Code of the Town of Callahan is hereby amended as follows:

The owner of each lot or parcel of land within the municipal limits of the Town of Callahan, Florida, upon which lot or parcel of land any building, or trailer used as a dwelling, is now situated or shall hereafter be situated, for either residential, commercial or industrial use, shall connect or cause such building or buildings or trailer or trailers to be connected with the public sewer facilities of the municipal sewer system of the Town of Callahan, Florida, and use such facilities within three months following notification to so do by the Clerk of the Town of Callahan, Florida. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Town Council of the Town of Callahan, Florida, which rules and regulations shall provide for a charge for making any such connections in such reasonable amount as such Town Council may fix and determine. ~~No connection or connections shall be required where said sewer system or line is more than 100 feet from such lot or parcel of land.~~

Section 5. Section 190-15 of the Code of the Town of Callahan is hereby amended as follows:

No person, group of persons, firm or corporation shall build or remodel or cause to be built or remodeled any structure used for human habitation or occupancy within the town ~~which is within 100 feet of a public sanitary sewer line~~, unless it is provided with water-carried sewerage facilities.

Section 7. Section 190-17 of the Code of the Town of Callahan is hereby amended as follows:

Every residence and building in which human beings reside, are employed or congregate shall be required to have a sanitary method of disposing of human excrement, namely, ~~either a sanitary water closet that is connected with the town's sewer or an approved type of septic tank. A septic tank will be used only if the property is more than 100 feet from the sewer line.~~

Section 8. Section 190-18 is hereby deleted in its entirety.

Section 9. Section 190-19 is hereby deleted in its entirety.

Section 10. Section 190-22 is hereby deleted in its entirety.

Section 11. Section 190-23 of the Code of the Town of Callahan is hereby amended as follows:

Failure to keep the sewer pipe, i.e., the pipe leading from the plumbing system to the town's main, clean and maintained in a proper manner will give the town the right to cut off the water connection, which shall not be reconnected until the sewer pipe is cleaned and maintained properly. In those instances where the owner has his own private water supply, the town shall have the right to cut off such water supply to the plumbing system, and the owner shall have no right to reconnect his own private water supply until the sewer pipe leading from the plumbing system to the town's main has been maintained and cleaned and in proper condition. Any violation of this provision by reconnecting his private water supply or the connection from the town's water line, until such sewer pipes are cleaned and maintained properly, shall be considered a violation of this Part-4 3 and subject to the penalties hereinafter provided.

Section 12. Section 190-24 of the Code of the Town of Callahan is hereby amended as follows:

No water nor sewage disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and the town and each and every agency, department or instrumentality which uses either or both such service shall pay therefor at the rates fixed by this Part-4 3.

Section 13. Section 190-26 of the Code of the Town of Callahan is hereby amended as follows:

Any person, firm or corporation violating any of the provisions of this Part 4 3 shall, upon conviction thereof, for each such offense, be subject to a fine of not to exceed five hundred dollars (\$500.) or imprisonment for not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the County Judge. Any failure or refusal by an owner to connect to the town's sewer system after notification so to do, as hereinabove provided, or any failure or refusal to pay the charges or rates hereinabove provided, shall be construed to be a violation of this Part-4 3.

Section 14. Section 190-27 of the Code of the Town of Callahan is hereby amended as follows:

A. This Part-5 4 sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Callahan, Florida, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

B. The objectives of this Part 5 4 are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
- (2) To 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) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (4) To provide for equitable distribution of the cost of the municipal wastewater system.

C. This Part 5 4 provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic 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.

D. This Part 5 4 shall apply to the Town of Callahan, Florida, and to persons outside the town who are, by contract or agreement with the town, users of the town POTW. Except as otherwise provided herein, the Town Manager Public Works Director of Callahan, Florida, shall administer, implement and enforce the provisions of this Part 5 4.

Section 15. Section 190-28 of the Code of the Town of Callahan is hereby amended as follows:

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 5 4, shall have the meanings hereinafter designated:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The Director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER — An authorized representative of an industrial user may be:

- (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.
- (2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

BUILDING DRAIN — That part of the piping of a building which collects wastewater inside the walls of the building and conveys it to outside the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

CATEGORICAL STANDARDS — National categorical pretreatment standards or pretreatment standard.

CHEMICAL OXYGEN DEMAND (COD) — A measure of oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

COMBINED SEWER — A sewer receiving both surface water runoff and sewage.

COOLING WATER — The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

CONTROL AUTHORITY — Refers to the "approval authority" defined hereinabove; or the Town Manager if the town has an approved pretreatment program under the provisions of 40 CFR 403.11.

CUSTOMER — Every person who is responsible for contracting (expressly or implicitly) with the town in obtaining, having or using sewer connections with, or sewer taps to, the sewer system of the town and in obtaining, having or using water and other related services furnished by the town for the purpose of disposing of wastewater and sewage through said system. Said terms shall include the occupants of each unit of a multiple-family dwelling unit building as a separate and distinct customer.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the State of Florida.

EASEMENT — An acquired legal right for the specific use of land owned by others.

ENVIRONMENT PROTECTION AGENCY or EPA — The United States Environmental Protection Agency; or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

FLOATABLE OIL — 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 the collection system.

FLUSH TOILET — The common sanitary flush commode in general use for the disposal of human excrement.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HEALTH OFFICER — The Nassau County Environmental Health Director.

HOLDING TANK WASTE — Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE — The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. § 1317), into the POTW, including holding tank waste discharged into the system.

INDUSTRIAL USER — A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

INDUSTRIAL WASTES — The wastewater from industrial processes as distinct from domestic or sanitary waste.

INDUSTRIAL WASTE SURCHARGE — The charge made in excess of the sewer service charge for all wastewater over and above normal wastewater.

INFILTRATION/INFLOW — Groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes or other openings.

INTERFERENCE — The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or PRETREATMENT STANDARD — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW SOURCE — Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NORMAL WASTEWATER — Wastewater discharged into the sanitary sewers in which the average concentration of total suspended solids and BOD is not more than two hundred fifty (250) mg/l, total phosphorus is not more than fifteen (15) mg/l, total Kjeldahl nitrogen is not more than thirty (30) mg/l; and total flow is not more than twenty-five thousand (25,000) gallons per day.

PERSON — Any individual, partnership, copartnership, firm, company, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

PIT PRIVY — Shored, vertical pit in the earth completely covered with a flytight slab on which is securely located a flytight riser covered with hinged flytight seat and lid.

POLLUTION — The man-made or man-induced alteration of the chemical physical, biological and radiological integrity of water.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharge into water.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or by process changes or other means, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PRIVATE SEWAGE DISPOSAL SYSTEM — A sewage collecting, treating and disposal facility installed, maintained and owned by persons other than the town and not connected to the public sewer.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Part 5 4, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater.

PUBLIC WORKS DIRECTOR --- The person designated by the Town Council to administer the Town's Water and Wastewater activities.

PUBLIC SEWER — A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground-, storm- and surface waters that are not admitted intentionally.

SEPTIC TANK — A subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes, together with:

- (1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out.
- (2) 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.

SEWAGE — The spent water of a community. The equivalent term is "wastewater" (see below).

SEWER — A pipe or conduit that carries wastewater.

SIGNIFICANT INDUSTRIAL USER — Any industrial user of the town's wastewater disposal system who:

- (1) Has a discharge flow of twenty-five thousand (25,000) gallons or more per average workday;
- (2) Has a flow greater than five percent (5%) of the flow in the town's wastewater treatment system;
- (3) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Florida Statutes and Rules; or

(4) Is found by the town, state control agency or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentrations of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater facilities.

STATE — The State of Florida.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — 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 — Sometimes termed "storm sewer," a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS — Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency (EPA) under the provision of CWA 307(1) or other acts.

TOWN — The Town of Callahan, Florida, or the Town Council.

~~TOWN MANAGER — The person designated by the Town Council to administer all town activities.~~

TOWN COUNCIL — The duly elected officials of the Town of Callahan, Florida.

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect or water that would not cause violations of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER — Any person who contributes, causes or permits the contribution of wastewater into the town's POTW.

WASTEWATER — The spent water of a community. From the standpoint of source, it may be a combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground-, surface and storm water that may be present.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WATERCOURSE — A natural or artificial channel for the passage of water, either continuously or intermittently.

WATERS OF THE STATE — 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.

B. The term "shall" is mandatory; "may" is permissive.

Section 16. Section 190-33 of the Code of the Town of Callahan is hereby amended as follows:

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so, ~~provided that the public sewer is within one hundred feet [thirty and five tenths (30.5) meters] of the property line.~~

Section 17. Section 190-34 of the Code of the Town of Callahan is hereby amended as follows:

All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines and similar plumbing fixtures or appliances shall be connected to the public sewer; ~~provided that where no sewer is available, septic tanks or other private subsurface disposal facilities, approved by the Health Officer and Mayor and Council, may be used.~~

Section 18. Section 190-35 is hereby deleted in its entirety.

Section 19. Section 190-36 is hereby deleted in its entirety.

Section 20. Section 190-37 is hereby deleted in its entirety.

Section 21. Section 190-38 is hereby deleted in its entirety.

Section 22. Section 190-39 is hereby deleted in its entirety.

Section 23. Section 190-40 is hereby deleted in its entirety.

Section 24. Section 190-41 is hereby deleted in its entirety.

Section 25. Section 190-46 is hereby deleted in its entirety.

Section 26. Section 190-47(B) of the Code of the Town of Callahan is hereby amended as follows:

Permits. The ~~Town Manager~~ Public Works Director is hereby authorized to grant permits to discharge the contents of septic tanks (from domestic sources only) at locations specified by him and under his supervision. Such permits may be revoked at any time, if, in the opinion of the Public Works Director, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.

Section 27. Section 190-51 of the Code of the Town of Callahan is hereby amended as follows:

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the ~~Town Manager~~ Public Works Director.

Section 28. Section 190-52 of the Code of the Town of Callahan is hereby amended as follows:

The owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the ~~Town Manager~~ Public Works Director. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.

Section 29. Section 190-59 of the Code of the Town of Callahan is hereby amended as follows:

The applicant for the building sewer permit shall notify the ~~Town Manager~~ Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the ~~Town Manager~~ Public Works Director or his representative.

Section 30. Section 190-62 of the Code of the Town of Callahan is hereby amended as follows:

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and be verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the ~~Town Manager~~ Public Works Director before installation.

Section 31. Section 190-63(C)(3) of the Code of the Town of Callahan is hereby amended as follows:

~~he~~ The Town Council, in addition to other actions taken, may institute any appropriate action or proceedings of a civil action in the circuit court to enjoin or restrain any person violating the provisions of this section.

Section 32. Section 190-65 of the Code of the Town of Callahan is hereby amended as follows:

The town has hereby adopted, ~~by Ord. No. 2-0-1986,~~ the current edition of the Standard Plumbing Code, as may hereafter be amended from time to time ~~1982 Current Edition,~~ as revised. ~~In the event of any conflict in the provisions herein with said code, the provisions of this Part 5-4 will apply.~~

Section 33. Section 190-67 of the Code of the Town of Callahan is hereby amended as follows:

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director, to a storm sewer, combined sewer or natural outlet.

Section 34. Section 190-69 of the Code of the Town of Callahan is hereby amended as follows:

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb or public property or constitute a nuisance. ~~The Town Manager~~ Public Works Director may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, ~~the Town Manager~~ Public Works Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Town Council are as follows:

A. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.) [sixty-five degrees Celsius (65° C.)] or

will cause the temperature at the influent to a treatment plant to exceed one hundred four degrees Fahrenheit (104° F.) [forty degrees Celsius (40° C.)].

B. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.

C. Wastewater containing more than one hundred (100) milligrams per liter of oils, fat or grease.

D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

E. Wastewaters.

(1) Any wastewaters having an excess of (limits in parts per million or milligrams per liter) the following:

Type	Amount
Silver	0.10
Barium	5.0
Tin	1.0
Iron	2.0
Phenol	0.2
Arsenic	0.05
Boron	1.0
Manganese	1.0
Lead	0.1
Mercury	0.005
Nickel	0.4
Zinc	1.0
Copper	0.1
Cadmium	0.02
Total Chrome	1.8
Selenium	0.02
Chlorides	250

(2) Any substance or combination thereof that reduces the BOD by ten percent (10%) will be considered as a toxic material.

(3) In addition, the limits for the following are:

Type	Amount
Antimony	0.0
Beryllium	0.0
Bismuth	0.0
Cobalt	0.0
Cyanide	0.0
Molybdenum	0.0

Rhenium	0.0
Tellurium	0.0
Uranylum	0.0
Strontium	0.0
Herbicides	0.0
Fungicides	0.0
Pesticides	0.0

F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town Manager ~~Public Works Director~~.

G. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.

H. Quantities of flow, concentrations, or both which constitute a slug, as defined in Article V.

I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

K. Wastewater containing constituents in concentrations which are in excess of the concentrations set for normal wastewater [two hundred fifty (250) mg/l BOD5 and TSS, thirty (30) mg/l TKN, fifteen (15) mg/l phosphorous].

Section 35. Section 190-70 of the Code of the Town of Callahan is hereby amended as follows:

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which, in the judgment of the ~~Town Manager~~ Public Works Director, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge.
- (4) Require surcharge payment to cover added cost of handling and treating the waters.

B. When considering the above alternatives, the ~~Town Manager~~ Public Works Director shall give consideration to the economic impact of each alternative on the discharger. If pretreatment or equalization of waste flows is permitted, the design and installation of the plants and equipment shall be subject to the review and approval of the ~~Town Manager~~ Public Works Director.

Section 36. Section 190-71 of the Code of the Town of Callahan is hereby amended as follows:

Grease, oil, and sand interceptors shall be provided when, in the opinion of the ~~Town Manager~~ Public Works Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~Town Manager~~ Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the ~~Town Manager~~ Public Works Director. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

Section 37. Section 190-73 of the Code of the Town of Callahan is hereby amended as follows:

Any industry discharging to the town sewer system more than fifty thousand (50,000) gallons per day or any discharger so designated as a potential problem discharger by the ~~Town Manager~~ Public Works Director shall comply with the following:

Section 38. Section 190-76 of the Code of the Town of Callahan is hereby amended as follows:

The industrial users may be required to provide information needed to determine compliance with this Part ~~5 4~~. These requirements may include:

Section 39. Section 190-78 of the Code of the Town of Callahan is hereby amended as follows:

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Part ~~5 4~~ shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an

individual basis subject to approval by the ~~Town Manager~~ Public Works Director.

Section 40. Section 190-82 of the Code of the Town of Callahan is hereby amended as follows:

Duly authorized employees of the town bearing proper credentials and identification shall be admitted with permission from proper authorities to all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of this Part ~~5~~ 4.

Section 41. Section 190-83 of the Code of the Town of Callahan is hereby amended as follows:

While performing the necessary work on private properties referred to herein, the authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Part ~~5~~ 4.

Section 42. Section 190-85 of the Code of the Town of Callahan is hereby amended as follows:

~~Scope:~~ Compliance,

Users must comply with their existing DEP permit. The permit must be filed with the Public Works Director. ~~The provisions of this Part 5 4 shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to Public Law 92-500, shall be considered as a part of this Part 5 upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in 40 CFR 403.~~

Section 43. Section 190-86 is hereby deleted in its entirety.

Section 44. Section 190-87 is hereby deleted in its entirety.

Section 45. Section 190-88 is hereby deleted in its entirety.

Section 46. Section 190-89 is hereby deleted in its entirety.

Section 47. Section 190-90 is hereby deleted in its entirety.

Section 48. Section 190-91 is hereby deleted in its entirety.

Section 49. Section 190-92 of the Code of the Town of Callahan is hereby amended as follows:

A violation of this Part 5 4 shall be a misdemeanor, punishable under the laws of the State of Florida, as well as violation of the ordinances of the Town of Callahan.

Section 50. Section 190-95 of the Code of the Town of Callahan is hereby amended as follows:

Any user who violates the following conditions of this Part 5 4 or applicable state and federal regulations is subject to having his permit revoked in accordance with the procedures of this Article XIII of this Part 5 4:

Section 51. Section 190-96 of the Code of the Town of Callahan is hereby amended as follows:

Whenever the town finds that any user has violated or is violating this Part 5 4, a wastewater contribution permit or any prohibition, limitation or requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user. Each quarter, the town will publish in the local newspapers the list of violators of this Part 5 4 for that quarter.

Section 52. Section 190-97 of the Code of the Town of Callahan is hereby amended as follows:

In the event of violation of this Part 5 4, the Health Officer or authorized 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 Health Officer 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 twenty-four (24) hours nor more than six (6) 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 the same shall in no way affect the validity of any proceedings conducted pursuant to this Part 5 4.

Section 53. Section 190-98 of the Code of the Town of Callahan is hereby amended as follows:

If any person discharges sewage, industrial wastes or other wastes into the town's wastewater disposal system contrary to the provisions of this Part 5 4, federal or state pretreatment requirements or any

order of the town, the town's attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court.

Section 54. Section 190-99 of the Code of the Town of Callahan is hereby amended as follows:

Any user who is found to have violated an order of the Health Officer or who willfully or negligently failed to comply with any provision of this Part 5 4 and the orders, rules, regulations and permits issued hereunder shall be fined not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Part 5 or the orders, rules, regulations and permits issued hereunder.

Section 55. Section 190-100 of the Code of the Town of Callahan is hereby amended as follows:

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 Part 5 4, or wastewater contribution permits, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 5 4 shall, upon conviction, be punished by a fine of nor more than one thousand dollars (\$1,000.) or by imprisonment for not more than six (6) months or by both.

Section 56. Section 190-103 of the Code of the Town of Callahan is hereby amended as follows:

It is hereby determined necessary to fix and collect sewer service charges from customers. Such charges shall be published separate from this Part 5 4 and the revenue received shall be used for operation, maintenance, debt retirement and other authorized expenses.

Section 57. Section 190-104(B) of the Code of the Town of Callahan is hereby amended as follows:

These fees relate solely to the matters covered by this Part 5 4 and are separate from all other fees chargeable by the town.

Section 58. Article XVI – Administration is hereby deleted in its entirety.

Section 59. Section 190-115 is hereby deleted in its entirety.

Section 60. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall

be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 61. Any and all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 62. This Ordinance shall become effective upon its adoption.

ADOPTED THIS _____ DAY OF _____, 2019.

TOWN OF CALLAHAN, FLORIDA

Ken Bass, Town Council President

ATTEST:

APPROVED:

Stephanie Knagge, Town Clerk

Martin Fontes, Mayor

Date of First Reading:
Dates of Publication:
Date of Public Hearing
& Second Hearing:
Date of Final Passage: