

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

AN ORDINANCE OF THE TOWN OF CALLAHAN TO REPEAL AND REPLACE CHAPTER 190 OF THE CALLAHAN CODE BY REMOVING OUTDATED PROVISIONS, UPDATING FEES, UPDATING CONNECTION REQUIREMENTS, AND UPDATING SUPERSEDED LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.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190 of the Code of the Town of Callahan governing water and sewer connections contains numerous provisions that are outdated due to changes in state law and other regulations, outdated fees, outdated connection requirements, and language that no longer pertains to the Town; and

WHEREAS the Town Council finds that Chapter 190 of the Code of the Town of Callahan should be substantially updated by repealing and replacing the existing chapter.

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

Section 1. Chapter 190 of the Code of the Town of Callahan is hereby repealed in its entirety.

Section 2. The attached Chapter 190 is hereby adopted in its entirety.

Section 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.


Section 4. This Ordinance shall become effective upon its adoption.

ADOPTED THIS 17th DAY OF JUNE, 2019.

TOWN OF CALLAHAN, FLORIDA


Ken Bass, Town Council President

ATTEST:


Stephanie Knagge, Town Clerk

APPROVED:


Martin Fontes, Mayor

Date of First Reading: June 3, 2019
Dates of Publication: June 12, 2019
Date of Public Hearing
& Second Hearing: June 17, 2019
Date of Final Passage: June 17, 2019

Chapter 190

ARTICLE I General Provisions

§ 190-1. Depth and distance from ditches.

It shall be unlawful, for any person, party, firm or corporation to install, lay or maintain any pipe or pipes for the purpose of conveying water, for any and all purposes, at a depth of less than 30 inches from the bottom of Town ditch or within a distance of four feet from the outside bluff of said Town ditch.

§ 190-2. Responsibility of town; conditions.

The Town of Callahan shall assume all responsibility for breaking or otherwise damaging any pipe conveying water at street intersections or under streets; provided, however, that said pipes which have heretofore been laid in and paralleling town ditch shall be removed from said town ditch by the owner of said pipes by order of the Town Council or the Mayor.

ARTICLE II Connection Charges

§ 190-3. Town to make connections; charges.

- A. The Town will make water and wastewater 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 for each connection water and \$1,300 for each wastewater.
- 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.
- 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.

ARTICLE III Water and Wastewater Connections / Requirements / Rates / Billing

§ 190-4. Connections with water system.

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, 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.

§ 190-5. Connections with Wastewater System required.

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 wastewater 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.

§ 190-6. Town authorized to make connections.

If any such owner of any lot or parcel of land within the Town of Callahan, Florida, shall fail and refuse to connect with and use the facilities of the water and wastewater systems of the Town of Callahan, Florida, after notification by the Town Clerk as provided herein, then the town shall be authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. The town shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the town shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county and municipal taxes. Such lien may be foreclosed by the town in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

§ 190-7. Rate schedule.

The rate schedule shall be as follows:

A. Residential, commercial and nonprofit users.

(1) For residential users within the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$14.21 per month/minimum
	All usage over 3,000 gallons in a month	\$3.43 per 1,000 gallons
Wastewater		
	First 3,000 gallons	\$14.92 per month/minimum
	All usage over 3,000 gallons in a month	\$4.04 per 1,000 gallons of water used

(2) For residential users outside the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$18.84 per month/minimum
	All usage over 3,000 gallons in a month	\$4.64 per 1,000 gallons
Wastewater:		
	First 3,000 gallons	\$19.78 per month/minimum
	All usage over 3,000 gallons in a month	\$5.46 per 1,000 gallons of water used

(3) For commercial and nonprofit users within the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$18.61 per month/minimum
	All usage over 3,000 gallons in a month	\$3.68 per 1,000 gallons
Wastewater:		
	First 3,000 gallons	\$19.54 per month/minimum
	All usage over 3,000 gallons in a month	\$5.00 per 1,000 gallons of water used

(4) For commercial and nonprofit users outside of the corporate limits:

Type	Rate	
Water:		
	First 3,000 gallons	\$24.77 per month/minimum
	All usage over 3,000 gallons in a month	\$4.97 per 1,000 gallons
Wastewater:		
	First 3,000 gallons	\$26.01 per month/minimum
	All usage over 3,000 gallons in a month	\$6.75 per 1,000 gallons of water used

- B. Nassau County School District. The Nassau County School District shall be charged a fee of \$1.62 per student each month for water and wastewater service as determined by the number of such persons certified by the Superintendent.
- C. Industrial users will be charged the rates for commercial users for up to 1,000,000 gallons of usage per month. Industrial users that exceed 1,000,000 gallons of usage per month may petition the town council for a contracted rate, to be approved by resolution.

§ 190-8. Unlawful connection.

No person shall be allowed to connect into any wastewater or waterline owned by the town without the written consent of the town, and then the connection with such line shall be made only under the direction and supervision of the town. Any property owner or plumber who shall make any connection without such consent of the town shall, upon conviction, be subject to the penalties hereinafter provided.

§ 190-9. Unlawful construction.

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, unless it is provided with water and wastewater connections.

§ 190-10. Connection of old plumbing; notification to town.

Whenever it is desirable to connect old plumbing to the town's wastewater main and/or waterline, the owner or plumber contemplating doing such work shall notify the Town Building Inspector, who will inspect said old plumbing and notify the owner or plumber what alterations will be necessary to place said old plumbing in an acceptable condition for such connection. Any owner or plumber who shall make any connection without the approval of the Building Inspector shall, upon conviction, be subject to the penalties hereinafter provided.

§ 190-11. Sanitary requirements.

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, a sanitary water closet that is connected with the town's wastewater collection system.

§ 190-12. Maintenance of plumbing system.

The owner of the property shall be responsible for maintaining and keeping clean the water and wastewater pipes leading and connecting from the plumbing system to the town's wastewater collection system.

§ 190-13. Billing and payment.

- A. Bills for monthly charges and fees are due and payable on the first day of each month. If a monthly bill remains unpaid for 15 or more days after the due date, a late charge of \$10.00 shall be imposed, and a LATE NOTICE will be sent with a disconnect date. If service is disconnected a \$25.00 reconnection fee will be added to your account and the total amount

due must be Paid-in-Full before service can be restored. If water meter is removed due to tampering a \$50.00 fee will be charged and due prior to reconnection. In the event a meter is damaged and requires replacement the actual cost of the meter will be charged and due prior to reconnection.

Service restoration/reconnection could take up to 24hrs, if customer request after hour's reconnection the reconnection fee will be \$50.00.

- B. On all new accounts, a security deposit for the payment of water and wastewater charges must be paid as follows:
 - (1) For each residential account, the deposit shall be \$100.
 - (2) For each commercial and nonprofit account, the deposit shall be \$125.
- C. After 24 consecutive on-time payments, a customer's deposit shall be credited against the customer's next bill. For existing customers as of the effective date of Ordinance No. 2009-09, customers whose payment history establishes 24 prior consecutive on-time payments shall receive a credit against their next bill in an amount equal to the deposit the customer originally paid as indicated by the Town's records.

§ 190-14. Failure to maintain plumbing system / Private water system

Failure to keep the wastewater 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 wastewater 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 wastewater 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 wastewater pipes are cleaned and maintained properly, shall be considered a violation of this section and subject to the penalties hereinafter provided.

§ 190-15. No service free.

No water nor wastewater disposal service shall be furnished or rendered free of charge to any person, firm or corporation whatsoever, and each and every agency, department which uses same shall pay therefor at the rates fixed.

§ 190-16. Separate connections for each separate unit.

Each residential unit, whether occupying one (1) or more lots and whether it shall occupy any lot or parcel jointly with any other residential unit, shall be considered a separate unit for the payment of the water fees and the wastewater disposal fees, and separate connections and meters will be required for each of such units. All connections shall be per individual residence or business, exceptions shall only be for Hospital, Nursing Home or similar facilities.

ARTICLE IV
Definitions and Word Usage

§ 190-17 Word usage

For the purpose of this section, certain words and terms used herein shall be interpreted to have meanings as defined below. When words or terms are not defined, they shall have their ordinary meanings accepted meanings or such as the content may imply. Words used in the present tense include future tense; the singular number includes the plural and the plural includes the singular. The word shall is mandatory, the word may permissive. The words "used" or "occupied" include the words "intended, designed or arranged to be used as occupied." The word "lot" includes the words "plot or Parcel". The word "structure" includes the word "building" as well as anything constructed on the ground or requiring construction or erection on the ground.

§ 190-18 Terms defined.

As used in this section, the following terms shall have the meanings indicated.

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 Florida Department of Environmental Protection 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 wastewater collection system, 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 wastewater.

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 Public works Director 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 the wastewater collection 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 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. Also called Water Closet.

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 wastewater 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 nitrogen is not more than thirty (30) mg/l;.

PERSON — Any individual, partnership, co-partnership, 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, wastewater, garbage, wastewater 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 WASTEWATER DISPOSAL SYSTEM — A wastewater collecting, treating and disposal facility installed, maintained and owned by persons other than the town and not connected to the wastewater collection system.

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 wastewater collection systems, 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 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.

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. Also called Wastewater Collection System

SEPTIC TANK — A subsurface impervious tank designed to temporarily retain wastewater 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.

SEWER — A pipe or conduit that carries wastewater. The equivalent term is “Wastewater Collection System”

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.

SJRWMD ---- Saint Johns River Water Management District

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.

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 non-filterable 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 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 COLLECTION SYSTEM — A common sewer controlled by a governmental agency or public utility.

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.

§ 190-19. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
FDEP	Florida Department of Environmental Protection
L	Liter
Mg	Milligrams
Mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901, et seq.
TSS	Total Suspended Solids
USC	United States Code

ARTICLE V
Wastewater Collection and Treatment

§ 190-20. Purpose and policy.

- A. Setting 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 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 sludge's from the system.
 - (4) To provide for equitable distribution of the cost of the municipal wastewater system.
- C. 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 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 Public Works Director of Callahan, Florida, shall administer, implement and enforce the provisions of this section.

ARTICLE VI
Wastewater Collection Systems Required

§ 190-21. Unlawful deposit of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

- A. All premises shall be provided by the owner thereof with at least one (1) toilet. All toilets shall be kept clean and in a sanitary working condition.
- B. No person shall dispose of human excrement except in a toilet.

§ 190-22. Unlawful discharge to natural outlets.

It shall be unlawful to discharge to any natural outlet within the town, or in any area under the

jurisdiction of the town, any wastewater or other polluted waters, except where suitable treatment has been provided, in accordance with subsequent provisions of this Article.

§ 190-23. Unlawful construction of privies.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tanks, cesspool or other facility intended or used for the disposal of wastewater.

§ 190-24. Owners required to install flush toilets.

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 flush toilets therein, and to connect such facilities directly with the proper wastewater collection system in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so.

§ 190-25. Connection of fixtures and appliances.

All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines and similar plumbing fixtures or appliances shall be connected to the wastewater collection system.

ARTICLE VII
Private Wastewater Disposal

§ 190-26. Installation where wastewater collection system accessible prohibited.

No septic tank or other subsurface disposal facility shall be installed where a wastewater collection system runs within 500 feet of any part of the property involved.

§ 190-27. Connection and filling in upon availability.

At such time as a wastewater collection system becomes available to a property served by a private wastewater disposal system that has failed, a direct connection shall be made to the wastewater collection system within thirty (30) days after notice. Any septic tanks, cesspools and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable materials.

§ 190-28. Operation to be in a sanitary manner.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the town.

§ 190-29. Pit privies prohibited.

No pit privy shall be installed.

§ 190-30. Discharge of septic tanks into wastewater Collection System.

- A. Restricted. It shall be unlawful to empty, dump, throw or otherwise discharge into any manhole, catch basin or other opening, into the town's wastewater collection system the contents of any septic tank, sludge, wastewater or other similar matter or material, except as provided in Subsection B hereof.
- B. Permits. The 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 wastewater collection system will be injurious to the treatment processes.
- C. Charges. A charge shall be made for the privilege of dumping contents of septic tanks, as provided in separate rules. A record shall be kept of such dumping, and statements shall be payable within ten (10) days after rendition. Failure to pay the amounts due within such ten-day period shall be cause for revoking the permit.

§ 190-31. Correction of insanitary systems.

Any premise that has a septic tank, privy or any other wastewater, industrial waste or liquid waste disposal system located thereon that does not function in a sanitary manner shall be corrected within thirty (30) days from the receipt of written notification from the Health Officer that said system is not functioning in a sanitary manner, and order that said system be corrected.

§ 190-32. Connection to be approved by town.

Premises with private water systems shall not be connected with the public wastewater system unless approved by Town Council.

§ 190-33. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

**ARTICLE VIII
Building Wastewater and Connections**

§ 190-34. Connection permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any wastewater collection system or appurtenance thereof without first obtaining a written permit from the Public Works Director.

§ 190-35. Application for permit.

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 Public Works Director. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.

§ 190-36. Costs to be borne by owner.

All costs and expenses incidental to the installation and connection of the building wastewater shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building wastewater lines.

§ 190-37. Separate wastewater connection for each building; exception.

A separate and independent building wastewater connection shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one (1) building wastewater system, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

§ 190-38. Requirements for using old building wastewater systems.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public works Director, to meet all requirements.

§ 190-39. Materials to conform to other codes.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in construction shall all conform to the requirements of the Florida Building and Plumbing Codes.

§ 190-40. Elevation.

Whenever possible, the building sewer shall be connected to the building at an elevation below the floor. In all buildings in which any building drain is too low to permit gravity flow to the wastewater collection system, wastewater carried by such building drain shall have a pumping /lift station installed and discharged to the wastewater collection system.

§ 190-41. Surface runoff connections.

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building drain which in turn is connected directly or indirectly to the wastewater collection system unless such connection is approved for purposes of disposal of polluted surface drainage.

§ 190-42. Notification of Public Works Director for inspection.

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

§ 190-43. Excavations for sewer installations.

All excavations for building sewer installations shall be adequately guarded with barricades and

lights in compliance with all OSHA requirements so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

§ 190-44. Council to define availability.

The Public works Department will define the availability of wastewater and costs associated with permits or construction.

§ 190-45. Connections to conform to other codes.

The connection of the building sewer into the public wastewater system shall conform to the requirements of the Florida Building and Plumbing Codes. 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 Public Works Director before installation.

§ 190-46. Procedure upon infiltration or inflow.

- A. If any house, mobile home, nonprofit, or commercial property sewer permits entrance of infiltration or inflow, the Public Works Director shall:
 - (1) Require the owner to repair.
 - (2) Charge the owner a wastewater rate that reflects the additional cost of wastewater treatment from the owner's property.
 - (3) Require the owner to disconnect from the Town's wastewater system.
- B. Any person who owns real property located within the corporate limits of the Town of Callahan, Florida, or who owns real property outside such corporate limits which is served by the wastewater collection system of the Town shall have an affirmative duty to promptly report to the Public Works Department any uncapped lines or other sites of entry of infiltration or inflow.
- C. Enforcement of violations.
 - (1) Upon determination by the Public Works Director that this section has been violated, he shall immediately send a written notice to the owner of the property and/or building involved and to the person responsible for the violation. This notification shall include:
 - (a) The nature of the violation.
 - (b) An order to immediately cease all illegal activity.
 - (c) A list of remedial actions (if applicable) that can be undertaken by the violator.
 - (d) Information concerning penalties for continued violation of this section.
 - (2) If the person violating this section has not complied with the compliance notice sent by the Public Works Director nor initiated corrective measures within a time set, after the notice's mailing date, the Public Works Director, after consultation with the Town Attorney, and Town Council shall initiate the appropriate action or proceedings with

the State Attorney's office.

- (3) 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.
- D. In order to limit the infiltration and inflow of surface water into the Town's wastewater collection system, the following special provisions shall apply:
- (1) Any employee of the Town shall have the right to enter temporarily onto private property for the purpose of inspecting a connection located outside of any structure. However, such employee shall promptly leave the premises if told to do so by the property owner or occupant.
 - (2) In all instances where water or wastewater service to a mobile home or structure is terminated or transferred, the security deposit for that account shall not be refunded or transferred until the old service location has been inspected by an employee of the Town and any open connections have been properly capped.
 - (3) As a condition precedent to the issuance of any permit by the Town for the demolition of a structure, an application for such permit, along with a cash bond or cash of \$500 and the permit fee shall be paid. The cash bond shall be retained by the Town until any existing connections have been properly capped and the site has been inspected by an employee of the Town to insure that any surface water infiltration or inflow has been prevented after the completion of all demolition.
 - (4) In the event that any structure is materially damaged by fire or otherwise, the Public Works Director shall have the authority to order the wastewater connection capped until the structure is repaired.

§ 190-47. Costs where wastewater service unavailable.

Where wastewater systems are unavailable, all costs associated with permit, construction and extension shall be the responsibility of the permit applicant.

§ 190-48. Conflict with plumbing standards.

The town has adopted the Florida Standard Building and Plumbing Code, Current Edition

ARTICLE VIX
Restricted Use of Public Wastewater Systems

§ 190-49. Stormwater and related discharges.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any wastewater collection system.

§ 190-50. Use of storm sewers or other outlet.

Stormwater and all other unpolluted drainage shall be discharged to such systems as are

specifically designated as storm sewers or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may only be discharged, per the owners FDEP permit.

§ 190-51. Prohibited discharges enumerated.

No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public wastewater collection system:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any waters having a pH lower than 5.5 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow or other interference with the proper operation of the wastewater systems, such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing's, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 190-52. Restricted discharges enumerated.

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, 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 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 Public Works Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities, materials of construction of 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, shall not be violated without approval of the Public Works Department / 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, non-biodegradable 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 connected to 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
Uranyl ion	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 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.
- 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 wastewater collection 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 phosphorus].

§ 190-53. Town procedure upon occurrence of prohibited discharge.

- A. If any waters or wastes are discharged or are proposed to be discharged to the wastewater collection systems, any waters containing the substances or possess the characteristics enumerated above and which, in the judgment of the Public Works Director, may have a deleterious effect upon the wastewater systems, 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 wastewater collection systems.
 - (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 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 Public Works Director.

§ 190-54. Grease, oil and sand interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the 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 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 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.

§ 190-55. Interceptors, separators and backwater valves, including grease traps.

- A. The provisions of the Florida Building Code and any applicable provisions of the Florida Administrative Code are hereby adopted as the standards for interceptors, separators, and backwater valves, including grease traps, of the Town of Callahan, Florida. [Amended 11-15-2010 by Ord. No. 2010-13]
- B. All grease interceptors shall be installed, cleaned, and maintained as follows:
 - (1) Interceptors shall be provided where there are waste lines leading from sinks, floor drains or other fixtures with food service.
 - (2) Interceptors shall be rated and approved for their efficiency in accordance with accepted practice.
 - (3) Interceptors shall be so installed as to provide ready accessibility to the cover contents and means of servicing and maintaining the interceptor in working and operation condition.
 - (4) Interceptors shall be maintained in efficient operating condition by removal of accumulated contents.
 - (5) The frequency for pumping out each grease trap will be determined by the Public Works Director, who will inspect the unit and notify the property owner in writing of the pumping schedule required.
 - (6) The owner of the interceptor will provide a Bill of Laden to the Town to verify last date cleaned. The Town may inspect grease traps unannounced at any time. A copy of the inspection report will be provided to the customer or owner of the interceptor.
- C. When, in the opinion of the Public works Director, a grease hazard exists on any property not otherwise required to install a grease trap, a grease interceptor shall be installed in the waste line leading from drains and all fixtures.
- D. The Public Works Director shall administer and enforce this section.

§ 190-56. Maintenance of pretreatment facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense, and per their FDEP permit.

§ 190-57. Requirements for large or potential problem dischargers.

Any industry discharging to the town wastewater systems, or any discharger so designated as a potential problem discharger by the Public Works Director shall comply with the following:

- A. In order to provide for accurate sampling and measurement of industrial wastes, each designated discharger shall provide and maintain, on each of its industrial waste outlet systems, a large manhole or sampling chamber to be located outside or near its plant boundary line. If inside the plant office, there shall be a gate near the sampling chamber with a key furnished to the town. There shall be ample room provided in each sampling chamber to enable convenient inspection and sampling by the town or its agent.
- B. Each sampling chamber shall contain a Parshall flume, accurate weir or similar device with a recording and totalizing register for measurement of the liquid quantity; or the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment can be made in the metered supply to determine the liquid quantity. The measuring, totalizing, recording devices are to be supplied, installed and maintained by the owner.
- C. Samples shall be taken as require, properly refrigerated and composited in proportion to the flow for a representative twenty-four-hour sample. Such sampling shall be repeated on as many days as necessary to ensure representative quantities for the entire reporting period. Industrial plants with wide fluctuations in quantities of wastes will require an automatic sampler paced automatically by the flow-measuring device. Minimum requirements for representative quantities shall include reevaluation during each quarterly period. The determination of representative quantities shall include not less than three (3) consecutive days of twenty-four-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements. The frequency of sampling, sampling chamber, metering device, sampling methods and analysis of samples shall be subject, at any time, to inspection and verification by the town. Sampling and measuring facilities shall be such as to provide safe access for authorized personnel of the town for making such inspection and verification. Plans for sampling chambers, with their location shown on a site plan, shall be submitted to the town.
- D. The owner of each facility discharging industrial wastes shall submit monthly to the town, on FDEP forms, a certified statement of the quantities of its wastes discharged into the sewers and wastewater works of the town or into any wastewater system connected therewith. Copies of pertinent water bills shall be submitted with the above statement. Such documents shall be filed with the town not later than the tenth day of the following month. A separate statement shall be filed for each industrial plant. The total quantities of wastes to be measured and certified by the owner shall be:
 - (1) Liquid, in gallons.
 - (2) Five-day BOD, in pounds.
 - (3) Suspended solids, in pounds, on a dry solids basis.
 - (4) Total phosphorus, in pounds.

- (5) Total Kjeldahl nitrogen, in pounds.
- (6) COD, in pounds.
- (7) All chemicals listed on the owners FDEP permit.

§ 190-58. Discharge of sanitary wastewater into storm sewer system prohibited.

No person shall discharge or cause to be discharged any sanitary wastewater into the storm sewer system without exception.

§ 190-59. Permit required for discharge of cooling water.

Cooling and/or condensing water may be discharged to the storm sewer system only if an NPDES permit is obtained from the FDEP.

§ 190-60. Information to be provided by industrial users.

The industrial users may be required to provide information needed to determine compliance. These requirements may include:

- A. Wastewater discharge peak rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials.
- E. A plot plan of the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the losses of materials through spills to the municipal wastewater collection system.

§ 190-61. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment. However, there shall be no agreements made that would violate any state or federal pretreatment standard.

§ 190-62. Determination of methods of examination.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made 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 owners FDEP permit.

ARTICLE X
Malicious Damage

§ 190-63. Prohibited acts.

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 water or wastewater systems of 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 his or her actions.

ARTICLE XI
Powers and Authority of Inspectors

§ 190-64. Admission of authorized employees.

Duly authorized employees of the town bearing proper credentials and identification shall be admitted with permission from proper authorities / owners to all properties for the purposes of inspection, observation, measurement, sampling and testing of any water or wastewater connection, including easements provided by owners for same.

§ 190-65. Town officials to observe all safety rules.

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.

ARTICLE XII
Compliance with Regulatory Requirements

§ 190-66. Compliance.

All owners / user having a separate permit for water or wastewater, or pre-treatment issued by FDEP shall remain in full compliance with their respective FDEP permit. A copy of the permit must be filed with the towns Public Works Department.

ARTICLE XIII
Violations

§ 190-67. Declaration of misdemeanor.

Any violations shall be a misdemeanor, punishable under the laws of the State of Florida, in addition to a civil violation of this municipal Code.

§ 190-68. Suspension of town service.

The town may suspend the water and wastewater treatment service and/or a wastewater

contribution permit when such suspension is necessary, in the opinion of the town, to correct non-compliance with any part of this Chapter, 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 POTW or causes the town to violate any condition of its FDEP / SJRWMD permits.

§ 190-69. Failure to comply.

Any person notified of a suspension of the water or wastewater treatment service and/or the water or 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 town shall take such steps as deemed necessary, including initiation of legal action by the Town Attorney and immediate severance of the connections, to prevent or minimize damage to the systems or endangerment to any individuals. The town shall reinstate the water or wastewater contribution permit and/or the water or wastewater treatment service upon proof of the elimination of the noncomplying discharge. 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 town within fifteen (15) calendar days of the date of occurrence.

§ 190-70. Grounds for permit revocation or suspension of service.

Any user who violates the following conditions or applicable state and federal regulations is subject to having his permit revoked.

- A. Failure of a user to report factually the wastewater constituents and characteristics of his discharge.
- B. Failure of the user to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- D. Violation of any conditions of the permit.
- E. Any tampering of water or wastewater connections.
- F. Violating any part of this Chapter.
- G. Making false representations on any permit, application, or for the purpose of obtaining or continuing service or treatment services.

§ 190-71. Service of notice of violation.

Whenever the town finds that any user has violated or is violating, a water or wastewater collection 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 ten (10) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user.

§ 190-72. Issuance of order of corrective action.

In the event of violation, 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 one (1) 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.

§ 190-73. Authority of Town Attorney to commence legal action.

If any person tampers with water connection or discharges wastewater, industrial wastes or other wastes into the town's wastewater disposal system contrary to the provisions of their permit, 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.

§ 190-74. Service charges to be continued.

A person violating any provisions of this Article authorizing the aforementioned action by the Health Officer 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.

ARTICLE XIV
Service Charges and Fees

§ 190-75. Purpose.

It is the purpose of this Article to provide for the recovery of costs from users of the town's water or wastewater systems for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's Schedule of Charges and Fees.

§ 190-76. Service charges to be fixed.

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

§ 190-78. Services involving charges and fees.

A. The town may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the town's pretreatment program.
- (2) Fees for monitoring, inspection and surveillance procedures.

- (3) Fees for reviewing accidental discharge procedures and construction.
 - (4) Fees for permit applications.
 - (5) Fees for filing appeals.
 - (6) Fees for consistent removal (by the town) of pollutants otherwise subject to federal pretreatment standards.
 - (7) Other fees as the town may deem necessary to carry out the requirements contained herein.
- B. These fees relate solely to the matters covered and are separate from all other fees chargeable by the town.

ARTICLE XV
Authority to Disconnect Service

§ 190-79. Causes for disconnection of service.

The town reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:

- A. Acids or chemicals damaging to sewer lines or the treatment process are released into the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- B. A governmental agency informs the town that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is delivering wastewater to the town's system that cannot be sufficiently treated or requires treatment that is not provided by the town as normal domestic treatment; or
- C. The customer:
 - (1) Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
 - (2) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment systems;
 - (3) Fails to pay monthly bills for water and sanitary sewer services when due; or
 - (4) Repeats a discharge of prohibited wastes into wastewater collection systems.
 - (5) Continues to violate any part of this Chapter after receiving notice of such violation and failing to correct it.

ARTICLE XVI
Utility Service Area Boundaries, Services and Connections

§ 190-80. Declaration of existence of utility service area.

The Town of Callahan hereby declares there to exist a utility service area within which the Town intends to engage in certain activities authorized by Chapter 180, Florida Statutes, which include

the eventual provision of potable and non-potable water supply systems and wastewater collection, treatment, and disposal systems. The utility service area shall include the area located within the Town's corporate limits, as well as all areas extending five miles beyond those limits. By declaring the existence of this utility service area, the Town proposes and intends to exert its influence and control as the general purpose local government regarding the services to be provided through the control of any other local government. This declaration is provided in conformance with Chapter 180 and is necessary for the promotion of the health, safety, and welfare of the public.

§ 190-81. Amendment of boundaries.

It is recognized that future conditions may exist from time to time that could necessitate amending the boundaries of the utility service area to include more or less area. Any amendments shall be made by the Town Council in accordance with § 180.02, Florida Statutes.

§ 190-82. Method of extension of services into area.

The Town of Callahan will extend water and wastewater services into the utility service area as financial means to do so become available to the Town, whether by means of indebtedness, special assessment, tax, grant, or use of general, reserve, or capital improvement funds.