

Introduced by: Council Member Cory Nichols
1st Reading: January 19, 2021
2nd Reading: February 1, 2021

ORDINANCE NO. 2020-8156

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 32, ARTICLE VII, SECTIONS 32-180 THROUGH 32-184, TO MAKE CORRECTIONS CONSISTENT WITH CURRENT STATE AND NATIONAL PLUMBING CODE STANDARDS, AND ADAPT TO THE CITY'S FOG PROGRAM NEEDS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach ("City") has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes; and

WHEREAS, the City of Jacksonville Beach is charged with ownership and maintenance of the City's water and wastewater conveyance and treatment systems; and

WHEREAS, wastewater discharges containing high concentrations of fats, oils, and grease (FOG) from restaurants and other food handling facilities is a main contributor to blockages and sanitary sewer overflows in the City's wastewater collection system; and

WHEREAS, such excessive amounts of grease result in the immediate threat to the health, safety, and welfare of the public and our environment, and causes operational problems to the City's water and wastewater conveyance and treatment systems; and

WHEREAS, to effectively address the issue, the City finds it in the best interest of the public health, safety, and welfare to develop a FOG Program;

WHEREAS, in November 2019, the City Council adopted Ordinance No. 2019-8125, which was codified in Chapter 32, Article VII, Sec. 34-180 through Sec. 34-184 of the City Code of Ordinances; and

WHEREAS, certain revisions and corrections are needed to Chapter 32, Sec. 34-180 through Sec. 34-184 to bring the City's Code current with Florida Building Code – Plumbing and the National Standard Plumbing Code to make proper authority references, and to adapt the sections to the City's needs to effectively regulate the FOG Program; and

WHEREAS, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The above recitals and legislative findings are ratified, correct and made a part of this Ordinance.

SECTION 2. CHAPTER 32, ARTICLE VII, SECTION 32-180 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:¹

Sec. 32-180. - Purpose and intent.

- (a) Purpose. This article establishes maintenance and monitoring requirements and ~~provides for~~ regulation of:
 - (1) The interception and collection of fats, oils, and grease (FOG) from food service facilities.
 - (2) The maintenance and monitoring requirements to control the discharge of grease from food service facilities.

- (b) Intent. The intent of the FOG program is to:
 - (1) To prevent the introduction of excessive amounts of ~~fats, oils, and grease~~ FOG into the City of Jacksonville Beach wastewater collection system and subsequently into the pollution control plant.
 - (2) To prevent clogging or blocking of ~~e~~City sewer lines due to FOG grease build-up causing backup and flooding of streets, residences, and commercial buildings.

SECTION 3. CHAPTER 32, ARTICLE VII, SECTION 32-181 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 32-181. - Definitions.

- (a) ~~Food service facility or facilities means any facility, which prepares and/or packages food or beverages for sale and consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, food trucks, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, coffee shops, schools, and any other food service facilities not listed above. Float layer or floating layer means the accumulated matter that floats on the top of a grease trap or interceptor.~~

- (ab) *Food service facility or facilities* means any facility, which prepares and/or packages food or beverages for sale and consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not

¹ ~~Strikethrough~~ text indicates deletions, underline text indicates additions.

limited to: food courts, food manufacturers, food packagers, food trucks, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, coffee shops, schools, and any ~~other food service facilities not listed above~~ facility that provides food services.

- (bc) *Gray water* means all of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.
- (ed) *Grease* means a material, either liquid or solid, and composed primarily of fat, oil, and grease from animal or vegetable food sources. The terms "fats, oils, and grease (FOG)," "oil and grease," or "oil and grease substances" shall be included within this definition.
- (de) *Grease hauler* means a person who collects the contents of a grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services to a food service facility related to grease interceptor maintenance.
- (ef) *Gravity grease interceptor* means a device located underground and outside of a food service facility designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of liquid waste to discharge to the wastewater collection system by gravity. Interceptors shall be separated into two (2) chambers by baffle. The baffle shall be set 50/50 or 2/3 - 1/3 and have at least two (2) inspection hatches on the top surface for cleaning and maintenance by a grease hauler.
- (fg) *Hydro-mechanical grease interceptor* means a plumbing appurtenance or appliance that is installed outside of the food service facility and in the sanitary drainage system to intercept nonpetroleum ~~fats, oils, and grease (FOG)~~ from a wastewater discharge and is identified by flow rate, separation, and retention efficiency. The term "grease trap" shall be included within this definition.
- (gh) *Lift station* means a pumping station installed inline after a grease interceptor to pump gray water to the eCity sewer system.
- (hi) *Notice of violation (NOV)* means a notice ~~generally~~ issued by ~~the~~ a City of Jacksonville Beach ~~personnel or its~~ representative to a food service facility, informing of noncompliance and/or violations of the eCity's utility ordinances or the requirements of this ~~section~~ article. The specific violations shall be provided on the NOV.
- (ij) *Solids layer* means the settled matter that accumulates on the bottom of a grease trap or interceptor.
- (k) *Sampling port* means an access point on the discharge side of a grease interceptor that allows periodic sampling for compliance.

SECTION 4. CHAPTER 32, ARTICLE VII, SECTION 32-183 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 32-183. - General requirements.

- (a) *Requirements.* All food service facilities are required to have a hydro-mechanical or gravity grease interceptor installed outside the facility. The requirements of this article are in addition to any applicable requirements of the Florida Plumbing Building Code – Plumbing and the National Standard Plumbing Code, and any pretreatment requirement adopted by the eCity for protection of the eCity's pollution control plant.
- (1) *New facilities.* On or after the effective date of this article, food service facilities which are newly proposed, constructed, or permitted, or existing facilities which are expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to install, operate, and maintain a hydro-mechanical or gravity grease interceptor according to the requirements contained in this article. Gravity grease interceptors or hydro-mechanical grease interceptors shall be installed and permitted prior to the issuance of a certificate of occupancy.
- (2) *Existing facilities.* For the purpose of sizing and installation of grease interceptors, all food service facilities existing within the eCity prior to the effective date of this ordinance shall be permitted to operate and maintain existing gravity grease interceptors or hydro-mechanical grease interceptors provided their gravity grease interceptors or hydro-mechanical grease interceptors are in compliance with the criteria for the individual interceptor as defined in this ~~division~~ article.
- (b) *Compliance.* On or after the effective date of this ordinance, the eCity may require an existing food service facility to install, operate, and maintain a new hydro-mechanical or gravity grease interceptor that complies with the requirements of this article or to modify or repair any noncompliant plumbing or existing interceptor or grease trap within ~~ninety (90)~~ days of written notification by the eCity when any one ~~(1)~~ or more of the following conditions exists:
- (1) The facility is found to be discharging ~~fats, oils, and grease~~ FOG in quantities greater than ~~one hundred (100)~~ milligrams per liter in the facility effluent sample.
- (2) The facility does not have a hydro-mechanical or gravity grease interceptor(s).
- (3) The facility has an undersized, irreparable or defective hydro-mechanical or

gravity grease interceptor(s).

- (4) When remodeling or renovating an existing facility where a plumbing permit is issued by the City of Jacksonville Beach.
 - (5) The existing facility effluent causes sewer line blockage, sanitary sewer overflows (SSO), or stoppage that requires the City of Jacksonville Beach to increase standard maintenance ~~that exceeds twice a calendar year~~.
 - (6) The existing facility does not have plumbing connections to a hydro-mechanical or gravity grease interceptor(s) in compliance with the requirements of this article.
- (c) *Plumbing connections. ~~Hydro-mechanical or gravity grease interceptor.~~* All plumbing connections shall be located outside the food service facilities lateral sewer line between all fixtures which may introduce grease into the sewer system and the connection to the eCity's wastewater collection system. Such fixtures shall include, but not be limited to, hand, prep, and mop sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and stage areas, and any other fixture which is determined to be a potential source of grease. Wastewater from sanitary facilities and other similar fixtures shall not be introduced into hydro-mechanical or gravity grease interceptor(s) under any circumstance.
- (d) *Hydro-mechanical grease interceptors.* Hydro-mechanical grease interceptors ~~shall~~ may be prohibited for all new food service facilities ~~with the exception of those facilities in which it is determined there is inadequate space available for the installation of a gravity grease interceptor.~~ City Approval of the installation of a hydro-mechanical grease interceptor instead of a gravity grease interceptor at a new food service facility shall meet the following criteria:
- (1) *Interceptor design and location.* Hydro-mechanical grease interceptors shall conform to the standards in the Standard Plumbing and Drainage Institute (PDI) Standards - G101. Hydro-mechanical grease interceptors shall be installed in strict accordance with the manufacturer's instructions. Hydro-mechanical grease interceptors shall be equipped with a cover that can be opened for inspection and sampling ~~with a mechanism for secure closing~~. Covers must be air and watertight. Covers must be traffic rated if located within a traffic area and a sampling port or 6" discharge tee shall be installed.
 - (2) *Capacity.* The capacity of the hydro-mechanical interceptor shall be related to the flow rate as defined in the appendix and Table 1 of the Standard PDI Standards - G101.
 - (3) *Flow-through rate.* ~~Flow-through~~ rates shall be calculated in accordance

with the procedures in the Standard PDI Standards - G101.

- (4) *Flow control device.* Hydro-mechanical grease interceptors shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturer's rated capacity recommended in gallons per minute for the unit.
- (5) *Venting.* The flow control device and the hydro-mechanical grease interceptor shall be vented in accordance with the Florida ~~Plumbing~~ Building Code – Plumbing most current edition. The vent shall terminate not less than six ~~(6)~~ inches above the flood-rim level or in accordance with the manufacturer's instructions.
- (6) *Cleaning, pumping and maintenance.* Each food service facility shall be solely responsible for the cost of the hydro-mechanical grease interceptor(s) installation, inspection, cleaning, pumping, and maintenance. Each food service facility shall contract with a grease hauler for cleaning services. Alternatively, a food service facility may develop a written protocols and procedures for the cleaning and maintenance of hydro-mechanical grease interceptors. Cleaning and maintenance must be performed when the total volume of captured grease and solid materials displaces more than ~~twenty~~ (20) percent % of the total volume of the unit. The eCity shall use a core sampling method during monthly or bi-monthly routine inspection in order to determine the frequency at which a hydro-mechanical grease interceptor(s) shall be cleaned; however, all hydro-mechanical grease interceptors shall be opened, inspected, cleaned, and maintained at a minimum of once per week. Each food service facility shall have its hydro-mechanical grease interceptor(s) pumped at a minimum frequency of once every calendar month.
- (7) *Inspection.* The eCity shall inspect hydro-mechanical grease interceptors as necessary to assure compliance with this ~~division~~ article as well as proper cleaning and maintenance schedules are adhered to. The City may require installation of a sample port in order to determine whether the grease interceptor system complies with the requirements of this article.
- (8) *Repairs.* The food service facility shall be responsible for the cost and scheduling of all repairs to its hydro-mechanical grease interceptor(s). Repairs required by the eCity shall be completed within ~~fourteen~~ (14) calendar days after the date of written notice of required repairs is received by the food service facility unless a different schedule is approved by the eCity in writing.
- (9) *Disposal.* Grease and solid materials removed from a grease interceptor(s) shall be disposed of in a solid waste disposal facility. Neither grease nor solid material removed from a hydro-mechanical grease interceptor shall be

returned to any hydro-mechanical grease interceptor, private sewer line, or to any portion of the eCity's wastewater collection system or water reclamation facilities without prior written approval of the City of Jacksonville Beach Public Works Director.

- (10) *Record keeping.* The food service facility shall maintain records including the date and time of all cleaning and maintenance, details of any repairs required, and dates of repairs for each hydro-mechanical grease interceptor(s) in a bound logbook and shall make the logbook available for inspection by the eCity on request. The food service facility shall also maintain all written protocols and procedures concerning the hydro-mechanical grease interceptor(s) cleaning and maintenance and shall make such available to the eCity on request. Such records shall be kept for a period of three (3) years from the time of cleaning or repair.
- (e) *Gravity grease interceptors.* Gravity grease interceptors ~~shall~~ may be installed at ~~all new food service facilities with the exception of those facilities in which it is determined there is inadequate space available for the installation of a gravity grease interceptor.~~ All new and existing gravity grease interceptors shall meet the following criteria:
 - (1) *Interceptor design and location.* Gravity grease interceptors shall have a minimum of two (2) compartments and shall be capable of separation and retention of grease and storage of settled solids. Gravity grease interceptor designs shall conform to the requirements of Florida Plumbing Building Code – Plumbing Section 1003.5.1 1003.3.7. A control manhole over each compartment for monitoring purposes shall be required and installed at the owners/operators sole expense. Covers shall have a gas tight fit. The gravity grease interceptor shall be designed, constructed, and ~~installed for adequate load bearing capacity~~ traffic rated if located in a traffic area. Flow control devices shall be required where the water flow through the gravity grease interceptor may exceed its rated flow. Interceptors shall be installed in a location outside of the building and which provides easy access at all times for inspections, cleaning, and maintenance, including pumping. Nothing shall be stored on top or built over the gravity grease interceptor covers. A sampling port or 6” discharging tee shall be installed.
 - (2) *Capacity.* Gravity grease interceptor capacity calculations shall be performed by each food service facility based on size and type of operation according to the formula contained in ~~Tables 1003.4.1 and 1003.5.1~~ Section 1003.3.7 of the Florida Plumbing Building Code – Plumbing and the sizing methods contained in the Standard PDI - G101 and its appendices A1.0 thru A1.7 Tables 8.3.2 and 8.3.3, where applicable. Minimum capacity of any one (1) unit shall be ~~seven hundred fifty (750)~~ gallons as required by the Florida Plumbing Code. Maximum capacity of any one (1) unit shall be ~~one thousand two hundred fifty (1,250)~~ gallons. Where sufficient capacity

cannot be achieved within a single unit, installation of gravity grease interceptors in series is required. Prior to the installation of the gravity grease interceptor(s), the eCity shall approve the gravity grease interceptor(s) capacity calculations. The capacity of the gravity grease interceptor(s) required for food manufacturing or processing facilities which are not covered by the Florida ~~Plumbing~~ Building Code – Plumbing shall be approved by the eCity according to the mass and type of food prepared, the wastewater volume produced from food preparation or manufacture, total hours of operation per day and a load factor depending on the installed equipment.

- (3) Cleaning, Pumping, and maintenance. Each food service facility shall be solely responsible for the cost of the gravity grease interceptor installation, inspection, cleaning, pumping, and maintenance. All food service facilities with gravity grease interceptors shall contract with and utilize a grease hauler. Pumping services shall include the initial complete removal of all contents, including floating materials, wastewater, and bottom sledges and solids from the interceptor. The return of gray water back into the gravity grease interceptor from which the wastes were removed is strictly prohibited. Gravity grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles, and all pipe work. It shall be the responsibility of each food service facility to inspect its gravity grease interceptor during the pumping procedure to ensure it is properly cleaned out and all fittings and fixtures inside the interceptor are in good working condition and functioning properly.
- (4) Pumping frequency. Each food service facility shall have its gravity grease interceptor(s) pumped at a minimum frequency of once every calendar month. In addition to required monthly pumping, the City of Jacksonville Beach may determine by monthly or bi-monthly core sampling inspection that additional pumping is required or more interceptor space is needed if the following criteria cannot be met with the existing grease interceptor space:
 - a. When the floatable grease layer exceeds six (~~6~~) inches in depth as measured by an approved dipping method.
 - b. When the settled solids layer exceeds eight (~~8~~) inches in depth as measured by an approved dipping method.
 - c. When the total volume of captured grease and solid material displaces more than ~~twenty (20) percent%~~ of the capacity of the interceptor as calculated using an approved dipping method.
 - d. When the interceptor is not retaining or capturing ~~fats, oils, and greases~~ FOG or the removal efficiency of the device, as determined through sampling and analysis, is less than ~~eighty (80) percent%~~.
- (5) Inspection. The eCity shall inspect gravity grease interceptors as necessary

to assure compliance with this article as well as adherence to proper cleaning and maintenance schedules.

- (6) *Repairs.* The food service facility shall be responsible for the cost and scheduling of all repairs to its gravity grease interceptor(s). Repairs required by the eCity shall be completed within ~~fourteen (14)~~ calendar days after the date of written notice of required repairs is received by the food service facility unless a different schedule is approved by the eCity in writing.
- (7) *Disposal.* Waste removed from any gravity grease interceptor shall be disposed of at a facility permitted to receive such waste. Neither grease nor solid material removed from a gravity grease interceptor shall be returned to any gravity grease interceptor, private sewer line or to any portion of the eCity's wastewater collection system or water reclamation facilities without prior written approval of the City of Jacksonville Beach Public Works Director.
- (8) *Record keeping.* The food service facility shall maintain records including the date and time of all cleaning and maintenance, details of any repairs required, and dates of repairs for each gravity grease interceptor in a bound logbook and shall make the logbook available for inspection by the eCity on request. Additionally, each food service facility shall maintain a file on site and available at all times for inspection and review by the eCity which contains the following information:
 - a. The as-built drawings of the plumbing system.
 - b. Records of all inspections.
 - c. Receipts of all repairs.
 - d. Log of pumping activities.
 - e. Log of maintenance activities.
 - f. Grease hauler information.
 - g. Disposal information.
 - h. Records shall be kept for a period of three (3) years from time of cleaning or repair.
- (f) *Variance procedure.* If a food service facility determines that monthly pumping of the ~~gravity~~ grease interceptor is unnecessary in order to remain in compliance with the criteria of this section ~~32-183(e)~~ above, the food service facility may make written application for a variance from the monthly pumping requirements to the eCity. The variance procedure shall be as follows:
 - (1) The food service facility shall submit an application for a variance on a form provided by the eCity along with the appropriate application fee if required. The application shall include the next scheduled date and time for pumping and cleaning of the ~~gravity~~ grease interceptor(s).
 - (2) The eCity shall observe the pump out procedure and inspect the ~~gravity~~

grease interceptor(s) on the scheduled date and time.

- (3) If the ~~gravity~~ grease interceptor(s) is in good working condition during the initial inspection, the eCity shall re-inspect the ~~gravity~~ grease interceptor(s) approximately one ~~(1)~~ month after the initial inspection. If there is less than four ~~(4)~~ inches of surface grease and less than six ~~(6)~~ inches of bottom solids at the time of this re-inspection, the ~~gravity~~ grease interceptor(s) will not need to be pumped out at that time.
- (4) After the initial re-inspection, the eCity shall inspect the ~~gravity~~ grease interceptor(s) at intervals of approximately every ~~ten (10)~~ working days to determine the grease and solids levels using a dipping method approved by the eCity.
- (5) When either the level of grease reaches six ~~(6)~~ inches or the level of solids reaches eight ~~(8)~~ inches, the eCity shall use the number of days from the initial pumping date to the final re-inspection date as the new pumping frequency requirement to be included in the variance granted.
- (6) At all times, pump-out and cleaning of a ~~gravity~~ grease interceptor(s) shall be required at least one ~~(1)~~ every ~~one hundred eighty (180)~~ days.

SECTION 5. CHAPTER 32, ARTICLE VII, SECTION 32-184 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 32-184. - Administrative enforcement and abatement.

- (a) *Food service facility enforcement.* Enforcement actions against food service facilities determined to be in violation of this article shall be as follows:
 - (1) *Notice of violation.* A notice of violation (NOV) shall be issued to a food service facility for any one or more of the following reasons:
 - a. Failure to properly maintain the hydro-mechanical grease interceptor(s), the gravity grease interceptor(s), or any alternative grease removal device or technology in accordance with the provisions of the ~~fats, oil, and grease~~ FOG discharge certificate and this article.
 - b. Failure to report significant changes in operations or wastewater constituents and characteristics.
 - c. Failure to maintain the required records and logbook on site at all times.
 - d. Failure to report pumping activities or the use of an unauthorized pumping company.
 - e. Failure to provide logs, files, records or access for inspection or monitoring activities.
 - (2) *Notice of violation response.*

- a. Any NOV issued will state the nature of the violation, corrective action required, and timeframe for corrective measures. A food service establishment shall respond to the eCity in writing within seven (7) calendar days of receipt describing how the noncompliance occurred and what steps will be taken to prevent the re-occurrence.
- b. A food service facility that violates, remains in noncompliance, has repeated noncompliance issues or fails to initiate and complete corrective action in response to a NOV shall be subject to one (1) or more of the following:
 - 1. Actual cost for compliance inspections, costs associated with service calls for sewer line blockage, SSOs, line cleaning, and any or all labor, materials, and equipment required in response.
 - 2. Continued noncompliance may result in suspension of utility services if the food service facility presents danger to the health and welfare of the public or the environment.
 - 3. Notice to appear before the eCity's special magistrate pursuant to Article VI, Chapter 2 of the City of Jacksonville Beach Code of Ordinances for an enforcement hearing on the NOV.

SECTION 6. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances (including Ordinance No. 2019-8125) in conflict with this Ordinance are hereby repealed.

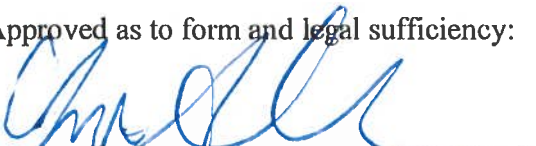
SECTION 7. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 8. CODIFICATION. The City Council intends that this Ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

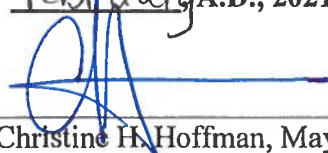
SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS 1st DAY OF February A.D., 2021.

Approved as to form and legal sufficiency:



 Chris Ambrosio, City Attorney



 Christine H. Hoffman, Mayor



 Laurie Scott, City Clerk