

ORDINANCE NO. 14-24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, REPEALING AND RELACING LEE COUNTY ORDINANCE NO. 05-02, RELATING TO GREASE MANAGEMENT IN LEE COUNTY; PROVIDING FOR A REPEALER; SHORT TITLE, PURPOSE AND TERRITORIAL SCOPE; DEFINITIONS; FOOD SERVICE ESTABLISHMENTS: GREASE TRAPS AND GREASE INTERCEPTORS; VARIANCE PROCEDURE; ENTRY, INSPECTION AND SAMPLING; ENFORCEMENT, REVIEW COMMITTEE, MEETINGS, CITATION, INJUNCTIVE RELIEF AND DAMAGE ASSESSMENTS; CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida; and

WHEREAS, the Board of County Commissioners of Lee County, Florida is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and

WHEREAS, wastewater discharges containing high concentrations of fats, oils and grease from restaurants and other food service establishments contribute to more than half of the blockages or sanitary sewer overflows in the Lee County Utilities' wastewater collection system; and

WHEREAS, the County desires to be proactive in complying with the Clean Water Act (CWA) and cooperating with the Environmental Protection Agency (EPA) initiative to abate sanitary sewer overflows within unincorporated Lee County in order to protect the public health and the quality of surface water; and

WHEREAS, Lee County adopted Ordinances relating to Grease Management and Water and Sewer regulations which contained provisions related to Grease Management; and,

WHEREAS, Lee County now desires to repeal Lee County Ordinance 05-02 to further effectuate the purposes set forth herein and address all aspects of Grease Management by establishing uniform requirements, provisions and regulations.

WHEREAS, Lee County desires to provide increased compliance and consistency across Food Service Establishments to provide more effective maintenance of all grease traps and interceptors to further decrease grease blockages and potential interference with wastewater treatment plant operations.

WHEREAS, the Executive Regulatory Oversight Committee (EROC) reviewed the proposed Ordinance on September 30, 2014, and recommended approval of the provisions herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: REPEALER

Lee County Ordinance 05-02 is hereby repealed and of no further force or effect; except as provided herein. Ordinance No. 05-02 is replaced by this legislation; however, any violations previously occurring under Ordinance No. 05-02 and any resulting fine, lien or costs assessed thereunder will remain in full force and effect until fully paid and released.

SECTION TWO: SHORT TITLE, PURPOSE AND TERRITORIAL SCOPE

- A. This Ordinance will be known and cited as the Lee County Grease Management Ordinance.
- B. The purpose of this Ordinance is to establish uniform requirements for food service establishments discharging grease wastewater into the Lee County Utilities wastewater collection system and to enable the County to comply with all applicable Federal and State laws, including those, which apply to sanitary sewer overflows.
- C. The territorial scope of this Ordinance includes all areas of incorporated and unincorporated Lee County in which the wastewater collection system is owned and maintained by Lee County Utilities.

SECTION THREE: DEFINITIONS

For the purpose of this article, the following words and phrases are defined and shall have the meaning assigned except in those instances where the context clearly indicates a different meaning. The words "shall" and "will" are mandatory and not discretionary. The word "may" is permissive.

- A. *Control Authority* means the Lee County Utilities Director or designee.
- B. *Environmental Protection Agency (EPA)* means the Federal Environmental Protection Agency of the United States, its Administrator, or other duly authorized representative of said agency.
- C. *Food Service Establishment (FSE)* means any facility engaged in preparing and/or packaging food or beverages for sale or consumption, on or off site, with the exception of private residences. Food service establishments shall include, but are not limited to food courts, food manufacturers, food packagers, restaurants, grocery stores, convenience stores, bakeries, cafeterias, lounges, hospitals, correctional facilities, hotels, nursing homes, churches, and schools.
- D. *Floatable Grease* means oil, fat or grease in a physical state such that it will separate, by gravity, from wastewater by treatment in an approved pretreatment device.
- E. *Garbage Grinder* means a device that shreds or grinds up solid or semisolid waste materials into smaller particles for discharge into the wastewater collection system.
- F. *Grab Sample* means a sample that is taken from a wastewater discharge on a one-time basis with no regard to the volume of flow in the discharge.
- G. *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.
- H. *Grease* means a material either liquid or solid, composed primarily of fat, oil and grease from animal or vegetable sources. The terms "fats, oils and grease" (FOG) and "oil and grease" shall be included within this definition.
- I. *Grease Interceptor* means a device whose rated flow exceeds 50 gallons per minute (gpm), which has a minimum storage capacity of 750 gallons or more, and is located underground and outside a food service establishment. This device is designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

- J. *Grease Laden Waste* means liquid waste from the kitchen fixtures which contains 100 milligrams or more grease/liter (mg/L).
- K. *Grease Trap* means a device, whose rated flow is less than 50 gpm, located inside a food service establishment and designed to collect, contain and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.
- L. *Notice of Violation (NOV)* means a written notice informing a user that a violation of this Ordinance has occurred.
- M. *Notify* means contact by telephone, in person, or via certified United States Mail, return receipt requested.
- N. *Premises* means a parcel of real estate or portion thereof including any improvements thereon which is determined by the Control Authority to be a single user for the purposes of receiving, using and paying for sewer services.
- O. *Pretreatment Review Committee* means a panel made up of the following individuals whose main function is to review user appeals relating to grease issues, Chief Building Inspector or designee, Utilities Director or designee, and the Pretreatment Coordinator or designee. The County Attorney or designee shall serve as a non-voting member of the panel providing substantive and procedural legal advice to the Pretreatment Review Committee.
- P. *Publicly Owned Treatment Works (POTW)* means a treatment works, also referred to as a Wastewater Treatment Plant, as defined by Section 212 of the Clean Water Act (CWA) (33 U.S.C. 1292) which is owned by the County. Any devices and systems used to pump, store, treat, recycle and reclaim municipal sewage or industrial wastes of a liquid nature. POTW shall include piping and County owned and maintained lift stations and pump stations that convey wastewater to the POTW. Any sewers that convey waste waters to the POTW from persons outside the County who are users of the POTW by contract or agreement with the County.
- Q. *Replacement Costs* means expenditures for obtaining and installing equipment, accessories or appurtenances necessary to retain design capacity and performance of the POTW throughout the jurisdiction of the County.
- R. *Sanitary Sewer Overflow* means releases of untreated sewage into the environment.
- S. *Utilities Director* means the person designated by the County to administer the activities of the Utilities Division, supervise the operation of the POTW, maintain records of such operation, prepare operating budgets and make recommendations

to the Lee County Board of County Commissioners concerning activities within his responsibility and authority. The Utilities Director shall comply with all applicable public participation requirements of Section 101(e) CWA.

- T. *Wastewater* means the liquid and water containing industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, institutions and any other source, whether treated or untreated which is contributed to or permitted to enter the POTW.

SECTION FOUR: FOOD SERVICE ESTABLISHMENTS: GREASE TRAPS AND GREASE INTERCEPTORS

- A. **General:** All food service establishments are required to have a grease trap or grease interceptor as per the requirements of the Florida Building Code as may be amended from time to time. A grease trap/interceptor inspection fee of \$1.20 per interceptor/trap, per month is hereby imposed. This rate may be amended from time to time through a Rate Resolution approved by the Lee County Board of County Commissioners pursuant to this Ordinance. Such fee shall be paid through the Lee County Utilities monthly service bill by all food service establishments required to install and maintain grease traps/interceptors pursuant to State regulations.
- B. **New Facilities:** Upon the effective date of this Ordinance, food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated, where such facility did not previously exist, shall be required to install, operate and maintain a grease interceptor or grease trap according to the requirements of the Florida Building Code. All new food service establishments shall be required to complete and submit a Grease Management Facility Survey prior to commencing discharge to the wastewater collection system.
- C. **Existing Facilities:** For the purposes of sizing and installation of grease interceptors, all food service establishments existing within the County prior to the effective date of this Ordinance shall be permitted to operate and maintain existing grease interceptors or grease traps provided same are in efficient operating condition. Upon the effective date of this Ordinance, each existing facility shall be required to complete and submit a Grease Management Facility Survey. The Control Authority shall provide the survey form to all food service establishments identified. All food service establishments are required, under the terms of this Ordinance, to complete and submit the form within 30 calendar days of receipt. Failure to do so will result in a \$50 fine. All fees and fines shall be added to the monthly service bill of the food service establishment. The Control Authority may require an existing food service establishment to install, operate and maintain a new grease interceptor or trap that complies with the requirements of this Ordinance or to modify or repair any noncompliant plumbing or existing interceptor or trap within 90 days of written notification by the County when any one or more of the following conditions exist:

1. The facility is found to be contributing oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the wastewater collection system; and/or
 2. The facility is found to be contributing oils and grease in quantities in excess of 100 mg/L; and/or
 3. The facility has an undersized, irreparable or defective grease interceptor or trap; and/or
 4. The facility has a garbage grinder; and/or
 5. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing or building permit to be issued; and/or
 6. The existing facility is sold or undergoes a change of ownership.
- D. Plumbing Connections: Grease interceptors or traps shall be located in the food service establishment's lateral sewer line between all fixtures, which may introduce grease into the sewer system and the connection to the County's wastewater collection system. Such fixtures shall include but not be limited to, sinks, dishwashers, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixture which is determined to be a potential source of grease. Garbage grinders installed within food service establishments shall be plumbed through the grease interceptor(s) and a solids interceptor shall separate the discharge before connecting to the grease trap. Solids interceptors and grease interceptors shall be sized and rated for the discharge of the garbage grinder. Wastewater from sanitary facilities and other similar fixtures shall not be introduced into the grease interceptor or trap under any circumstances.
- E. Grease Traps: Approval of the installation of a grease trap instead of a grease interceptor at a new food service establishment shall be as specified in the Florida Building Code. All food service establishments shall comply with the following guidelines:
1. Inspection, Cleaning and Maintenance: Each food service establishment shall be solely responsible for the cost of trap installation, inspection, cleaning and maintenance. Cleaning and maintenance must be performed weekly or at each time the total volume of captured grease and solid material displaces more than 20% of the total volume of the unit. All grease traps shall be opened, inspected, cleaned and maintained at a minimum of once per week.

2. Repairs: The food service establishment shall be responsible for the cost and scheduling of all repairs to its grease trap(s). Repairs required by the Control Authority shall be completed within 10 calendar days after the date of written notice of required repairs is received by the facility, unless the County approves in writing of a different schedule.
 3. Disposal: Grease and solid materials removed from a grease trap shall be disposed of in the solid waste disposal system.
 4. Record Keeping: Each food service establishment shall maintain a logbook or file of all trap maintenance, including the time and date of the maintenance, name(s) of individual or company that performed the maintenance, details of any repairs required and dates of repair completion, and any other records pertaining to the trap. The records shall be retained for a period of three years and be made available upon request by the control authority.
 5. Quarterly reporting: Each food service establishment shall submit a quarterly report to the Control Authority in a manner provided by the Control Authority. Reports shall be due on or before the 15th day of January, April, July, and October in each year. Each report shall record the number of times the trap(s) has been cleaned since the last report and the name(s) of individual or company that performed the cleanings. Each report shall note any repairs that were made to the trap including the dates that the repairs were performed. Reports shall be submitted as required and shall be subject to a late fee of \$50.00 if received after the 15th day of the month specified.
- F. Grease Interceptors: Grease interceptors shall be installed at all new food service establishments as specified by the Florida Building Code. All food service establishments shall comply with the following guidelines:
1. Inspection, Pumping, and Maintenance: Each food service establishment shall be responsible for the costs of installing, inspecting, pumping, cleaning and maintaining its grease interceptor. Pumping services shall include the initial complete removal of all contents, including floating materials, wastewater and bottom sludge and solids from the interceptor. Grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles and all pipe work. The return of gray water back into the grease interceptor is prohibited. It shall be the responsibility of each food service establishment to inspect its grease interceptor during the pumping procedure to ensure that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in working condition and functioning properly.

2. Minimum Interceptor Pumping Frequency: Each food service establishment shall have all of its grease interceptor(s) pumped at a minimum every 90 calendar days.
3. Additional Interceptor Pumping Requirements: In addition to required pumping, the Control Authority may determine that additional pumping of the grease interceptor(s) required according to the following criteria:
 - a. When the floatable grease layer in the outlet side exceeds 6 inches in depth, as measured by an approved dipping method; or
 - b. When the settleable solids layer in the outlet side exceeds 8 inches in depth, as measured by an approved dipping method.
4. Repairs: Each food service establishment shall be responsible for the cost and scheduling of all repairs to its grease interceptor(s). Repairs required by the Control Authority shall be completed within 10 calendar days after written notice is received by the facility unless the Control Authority establishes a different compliance date.
5. Disposal: Wastes removed from each grease interceptor shall be disposed of at a facility permitted to receive such wastes or at a location designated by the County for such purposes. Grease, solid materials or gray water removed from an interceptor may not be returned to any grease interceptor, private sewer line or to any portion of the County's wastewater collection system.
6. Record keeping: Each food service establishment shall maintain a logbook or file of all interceptor maintenance, including the time and date of the maintenance, the name(s) of individual or company that performed the maintenance, details of any repairs required and dates of repair completion, and any other records pertaining to the interceptor. The records shall be retained for a period of three years and shall be made available upon request by the control authority.
7. Quarterly reporting: Each food service establishment shall submit a quarterly report to the Control Authority in a manner provided by the Control Authority. Reports shall be due on or before the 15th day of January, April, July, and October in each year. Each report shall record the number of times the interceptor(s) has been cleaned since the last report and the name, address, and registration number of each grease hauler who serviced the interceptor(s). Each report shall include copies of either the grease hauler's receipt or manifest. If a variance has been granted, the alternate cleaning frequency shall also be reported. Each report shall note any repairs that were made to the interceptor including the dates that the repairs were performed. Reports shall be submitted

as required and shall be subject to a late fee of \$50.00 if received by the Control Authority after the 15th day of the month specified.

8. Interceptor Additives: Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives shall be approved by the Control Authority prior to their use by the food service establishment or the grease hauler. Safety Data Sheets and any other applicable information concerning the composition, frequency of use and mode of action of the proposed additive shall be sent to the Control Authority together with a written statement outlining the proposed use of the additive(s). Based upon the information received and any other information solicited from the potential user or supplier, the Control Authority shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the Control Authority at any time.
9. Alternative Grease Removal Devices or Technologies: Alternative devices and technologies such as automatic grease removal systems shall be subject to written approval by the Control Authority prior to installation. Approval of the device shall be based on demonstrated (proven) removal efficiencies and reliability of operation. The Control Authority may approve these types of devices depending on manufacturers' specifications on a case-by-case basis. The food service establishment may be required to furnish analytical data demonstrating that grease discharge concentrations to the County wastewater collection system will not exceed the established limitation.

SECTION FIVE: VARIANCE PROCEDURE

- A. Variance procedure: If a food service establishment determines that pumping every 90 calendar days is unnecessary to remain in compliance with the additional interceptor pumping requirements of Section Four, the facility may make written application to the Control Authority for a variance from the pumping requirements. The variance procedure shall be as follows:
 1. Application: The food service establishment shall submit an application for a variance on a form provided by the Control Authority. The application shall include the next date and time the facility intends to have its interceptor pumped and cleaned and an affidavit from the applicant stating that it shall permit no further pumping or cleaning of the interceptor until the Control Authority has completed its evaluation and notified the applicant of the appropriate pumping frequency.
 2. Inspection Required: The Control Authority shall inspect the interceptor on the specified date during or after the pump-out procedure.

- a. If the interceptor is in good working condition during the initial inspection, the Control Authority shall re-inspect the interceptor approximately 90 days after the initial inspection.
 - b. If the interceptor is not in good working condition after the initial re-inspection, the Control Authority shall inspect the interceptor at intervals of approximately every 14 working days to determine grease and solids levels using an approved dipping method.
 - c. If during re-inspection of the outlet side of the interceptor, if either the level of grease reaches 6 inches or the level of solids reaches 8 inches, the Control Authority 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. If these thresholds are not reached, the Control Authority shall continue to inspect the interceptor at intervals of approximately every 14 working days.
 - d. When either the level of grease exceeds 6 inches or the level of solids exceeds 8 inches, on the outlet side of the interceptor, the Control Authority shall use the number of days from the initial pumping date to the previous re-inspection as the new pumping frequency to be included in the variance granted.
3. Two or More Interceptors: Where two or more interceptors are connected in series, one variance application process shall apply to both interceptors. The two or more interceptors shall all be pumped initially on the same day and the variance for the first interceptor shall be determined when the grease or solids criteria are reached. The first interceptor shall not be pumped at this time and the variance process shall continue to monitor the second interceptor until either the grease or solids criteria are reached. At this time both interceptors shall be pumped and the new variances for the first and second interceptors will be issued. Additional interceptors will be handled on a case by case basis.
 4. Evidence of Tampering: If there is any evidence that the interceptor has been tampered with or pumped out during the variance procedure, the procedure will be declared null and void and a new application will be required from the food service establishment to re-start the procedure.
 5. Term or Duration of the Variance: The authorized variance shall remain valid until there is either a change in ownership of the food service establishment or remodeling of the kitchen occurs which requires a County plumbing permit to be issued unless there is evidence that the interceptors are no longer remaining in compliance with the minimum required pumping frequency and the additional interceptor pumping requirements found in Section Four.

6. Mandatory Pump-out: In any event, pump-out and cleaning of an interceptor shall be required at least once every 180 days with no return of gray water to the interceptor.
7. Failure to Pump Out: Failure to provide a complete pump-out of an interceptor at the required intervals may result in revocation of the approved variance.

SECTION SIX: ENTRY, INSPECTION AND SAMPLING

- A. Entry: All food service establishments shall allow the Control Authority, bearing proper credentials and identification, access to all parts of the premises during reasonable business hours, for the purpose of inspection, observation, and sampling in accordance with the provisions of this Ordinance. Any user refusing the Control Authority entry to or upon the premises of the user for the purposes of inspection, sampling effluents or performing such other duties as required by this Ordinance shall constitute a violation of the terms of this Ordinance. The Control Authority may seek a warrant or use any other legally available procedures to discharge their duties.
- B. Inspection and Sampling: The Control Authority may inspect the facilities of any food service establishment, to ascertain compliance with this Ordinance. Grease interceptors and traps shall be inspected as necessary to insure compliance with specific grease trap/interceptor requirements and to determine if proper cleaning and maintenance schedules are being performed. The Control Authority may collect effluent samples to determine compliance. The Control Authority shall re-inspect any user that received a deficiency notice after the original inspection. In the event that the user did not miss a scheduled 90 day pump-out and is compliant with all other deficiencies upon first re-inspection, there shall be no charge for the re-inspection. In the event of continuing non-compliance, successive re-inspections will be scheduled and appropriate fees shall be charged to the user for the first and all successive re-inspections. Such fees may be charged to the appropriate account of the Lee County Utilities Water & Sewer bill.

SECTION SEVEN: ENFORCEMENT, REVIEW COMMITTEE, MEETINGS, CITATION, INJUNCTIVE RELIEF AND DAMAGE ASSESSMENTS

A. Enforcement Response Plan:

1. Failure to Provide a Quarterly Report: Upon missing a quarterly reporting deadline, for the first time within a calendar year, a food service establishment may be fined \$50. The report shall then be submitted as required within 15 additional calendar days. Failure to submit the missed report, or a second failure to submit a quarterly report on time, may result in an additional \$100 fine. A third

failure to provide a quarterly report within a calendar year may result in a fine of up to \$150.

2. Failure to perform 90 Day Pump-out: Whenever the Control Authority determines that a grease trap or interceptor has missed a required cleaning or pumping, a noncompliance fee of one hundred fifty dollars (\$150) may be charged to the food service establishment. If an additional 90 Day Pump-out is missed within a calendar year, the fine for the second noncompliance may result in a fine of up to \$250. A third failure to provide a 90 Day Pump-out within a calendar year shall result in a fine of up to \$500.
3. Failure to Properly Maintain an Interceptor or Trap: Whenever the Control Authority determines that a grease trap or interceptor is in need of additional pumping, repairs or other maintenance, or in the event that an additional grease interceptor is required, the Control Authority shall proceed as prescribed below.
4. Notice of Violation: Upon learning of a violation, the Control Authority may issue the food service establishment a Notice of Violation (NOV) stating the nature of the violation(s).

Upon issuance of a NOV:

- a. The Control Authority shall perform a first re-inspection 10 calendar days, after issuance of the NOV, to allow sufficient time for corrective action by the food service establishment to be completed. In the event that the food service establishment is compliant with all of the deficiencies, there shall be no charge for the re-inspection. If all of the deficiencies have not been corrected, a first re-inspection fee \$150 shall be charged to the food service establishment.
- b. A second re-inspection will be performed after a minimum of 10 additional calendar days have passed. In the event that the food service establishment is compliant with all of the deficiencies, there shall be no additional charge for the re-inspection. If all of the deficiencies have still not been corrected, a second re-inspection fee of \$250 shall be charged to the food service establishment.
- c. If a third or more re-inspections are required, a re-inspection fee of \$500 for each successive re-inspection shall be charged to the food service establishment, in addition to other enforcement actions if all of the deficiencies have still not been corrected. All fees shall be added to the Lee County Utilities monthly service bill of the food service establishment.

- d. If the food service establishment responds with an acceptable explanation for the violation, and a plan for rectifying the situation, or makes good a deficiency within the prescribed time, enforcement ceases at the discretion of the Control Authority.
 - e. If a food service establishment continues to violate the provisions set forth in this Ordinance, or fails to initiate/complete corrective action in response to a NOV, the Control Authority may pursue one or more of the following options:
 - 1. Pump the grease interceptor and place the appropriate charge on the facility's monthly Lee County Utilities service bill; and/or
 - 2. Assess further inspection fees as provided; and/or
 - 3. Terminate water and sewer service.
- B. Pretreatment Review Committee: At any point during the enforcement process, a food service establishment may request a meeting of the Pretreatment Review Committee to appeal any request being made by the Control Authority.
- C. Conciliation Meetings: At any point before or during the enforcement action, the Control Authority may, but is not required to, invite representatives of the user to a conciliation meeting to discuss the violations and methods of correcting the cause of the violation. If the user and Control Authority can agree to appropriate remedial and preventive measures, they shall commit such agreement to writing with provisions for a reasonable compliance schedule. If an agreement is not reached through the conciliation process, the Control Authority shall continue with the enforcement policy as outlined in this Ordinance and take all appropriate action to insure compliance with this Ordinance or other law or regulation.
- D. Civil and Injunctive Relief: Upon approval of the County Attorney or designee, the Control Authority may file, in a court of competent jurisdiction, a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this Ordinance or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the County as a result of any action or inaction of any user or other person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the County.
- E. Assessment of Damages to Users: When the discharge from a food service establishment causes an obstruction, damage or any other impairment to the facilities or any expense of whatever character or nature to the County, the Control Authority may charge the expenses incurred by the County. The expenses include services to clear the obstruction, repair the damage to the facility or to recover any

other expenses for damage(s) of any kind or nature suffered by the County. The Control Authority shall file a claim with the food service establishment or person causing the damages for any and all expenses or damages suffered by the County. If the claim is ignored or denied, the Control Authority may charge the expense to the Lee County Water and Sewer bill, or notify the County Attorney, or designee, to take such measures as shall be appropriate to recover any expense or damages suffered by the County.

SECTION EIGHT: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION NINE: SEVERABILITY

It is the Board of County Commissioner's intent 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. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION TEN: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intends that this ordinance will be made part of the Lee County Code. Sections of this ordinance can be renumbered or re-lettered and the word "ordinance" can be changed to "section", "article," or other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or re-lettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

SECTION ELEVEN: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION TWELVE: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Frank Mann made a motion to adopt the foregoing ordinance, seconded by Commissioner John Manning. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of December, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Brian Hamman
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: John J. Fredyma
John J. Fredyma
Senior Assistant County Attorney
Office of the County Attorney



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 18, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Marcia Wilson

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-24, which was filed in this office on December 18, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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