

COUNCIL ACTION FORM

SUBJECT: REVISIONS TO APPENDIX N

BACKGROUND:

Staff has prepared a minor change to Appendix N that includes a schedule for Municipal Infractions for Food Service Establishments (FSEs) that cause a sanitary sewer overflow due to the introduction of Fats, Oils, and Grease (FOG) into the sanitary sewer. This was discussed with Council at the workshop on the FOG Control Program on July 18, 2017 and again at the Council workshop on October 17, 2017.

The original wording simply says that a municipal infraction of "...up to \$1,000..." may be imposed. The revised version identifies a specific dollar amount for first (\$250), second (\$500), and third (\$1,000) and all subsequent infractions.

A copy of the ordinance is attached.

ALTERNATIVES:

1. Approve on first reading an ordinance to amend Appendix N.
2. Do not approve Appendix N changes at this time.

MANAGER'S RECOMMENDED ACTION:

The proposed change to Appendix N will help staff with assigning an appropriate municipal infraction should there be a sanitary sewer overflow as a result of Fats, Oils, and Grease (FOG). Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 28.306(2), APPENDIX N AND ENACTING A NEW SECTION 28.306(2), APPENDIX N THEREOF, FOR THE PURPOSE OF REVISIONS TO WASTE DISPOSAL ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 28.306(2) Appendix N and enacting a new Section 28.306(2) Appendix N as follows:

“CHAPTER 28. UTILITIES.

Sec. 28.306(2). WASTE DISPOSAL.

\$250, in addition to the actual cost of cleanup for any sanitary sewer overflow caused by an introduction of substances as described in Sec. 28.306(2), for a facility’s 1st violation, \$500 for a facility’s second violation, and \$1,000 for each subsequent violation. In the event that more than one utility customer is responsible for the overflow, the municipal infraction may be levied upon each customer, and the cost of cleanup shall be prorated among those responsible.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor