

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PORT EVERGLADES TARIFF NO. 12; AMENDING CHAPTER 42, EXHIBIT 42.A, OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), ITEM NO. 1021, DISCHARGE OF OILY WASTE FROM VESSELS, AND ITEM NO. 1036, SANITARY WASTEWATER REMOVAL AND DISPOSAL FROM VESSELS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Broward County ("Board") desires to amend Chapter 42, Exhibit 42.A, of the Broward County Administrative Code to provide for revisions to Port Everglades Tariff No. 12 items relating to the discharge of oily waste from vessels and sanitary wastewater removal and disposal from vessels; and

WHEREAS, the Board finds that the revisions to Port Everglades Tariff No. 12, as set forth herein, are necessary and in the best interests of Broward County, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 42, Exhibit 42.A, of the Broward County Administrative Code is hereby amended to read as follows (original underlining omitted):

1 franchisee may discharge vessel sanitary wastewater from vessels calling Port
2 Everglades into the sanitary sewer system of Port Everglades for an additional fee of
3 \$0.0670 per gallon. The franchisee must, prior to commencing its discharge of vessel
4 sanitary wastewater into the Port Everglades sanitary sewer system; (1) certify in writing
5 to the Port Everglades Department that the vessel sanitary wastewater to be discharged
6 is in compliance with Sections 28-204 and 28-207 of the City of Fort Lauderdale, Florida,
7 Code of Ordinances and Port Everglades Department procedures for the discharge of
8 vessel sanitary wastewater into the Port Everglades sanitary sewer system; and (2)
9 collect and, promptly after the discharge, send for analysis to a Florida Department of
10 Environmental Protection (FDEP) licensed environmental testing lab, at franchisee's sole
11 cost, a sufficient representative test sample of the vessel sanitary wastewater actually
12 discharged, with such sample being analyzed to verify compliance with the standards
13 provided in Sections 28-204 and 28-207 of the City of Fort Lauderdale, Florida, Code of
14 Ordinances. Within three (3) days of its receipt thereof, the franchisee shall provide a
15 certified copy of the test result to the Port Everglades Department. During all vessel
16 sanitary wastewater discharge activities, a Port Everglades Department employee will be
17 assigned to monitor the discharge activities and verify the quantity of vessel sanitary
18 wastewater being discharged into the Port Everglades sanitary sewer system; franchisee
19 shall ensure that no discharge commences outside of the presence of the assigned Port
20 Everglades Department employee. Port Everglades Department labor costs will be
21 charged in accordance with Tariff Item No. 1110. Labor costs are payable by franchisee
22 to the Port Everglades Department in addition to franchisee's required payment of the
23 per-gallon fee.

24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 If the certified copy of the test result determines that the test sample was
2 noncompliant with the standards provided in Section 28-204 or 28-207 of the City of Fort
3 Lauderdale, Florida, Code of Ordinances, the franchisee shall pay any fine(s) imposed by
4 the City of Fort Lauderdale and shall also be fined by Broward County in an amount of
5 \$0.134 per gallon of vessel sanitary wastewater, comprising the total volume of vessel
6 sanitary wastewater from which the noncompliant test sample was taken and discharged
7 into the Port Everglades sanitary sewer system. A franchisee that fails more than two (2)
8 vessel sanitary wastewater sampling tests within any calendar year will be permanently
9 banned from discharging vessel sanitary wastewater into the Port Everglades sanitary
10 sewer system. For purposes of the preceding sentence “fails” means that the test result
11 determined that the test sample was noncompliant with the standards provided in Section
12 28-204 or 28-207 of the City of Fort Lauderdale, Florida, Code of Ordinances.

13 Monthly written reports of activity and payment of related wharfage and labor
14 charges for the removal of vessel sanitary wastewater shall be submitted by the
15 franchisee to the Port Everglades Finance Division within five (5) business days after the
16 end of the month and shall include the dates of services performed, the name of the
17 vessel(s), and the number of gallons of ~~product transferred~~ vessel sanitary wastewater
18 discharged. Failure to furnish the required monthly reports within the stipulated time will
19 result in a late charge of twenty-five dollars (\$25) per business day or any portion thereof,
20 for which the reports have not been submitted or remain incomplete.

21 . . .

22 Section 2. Severability.

23 If any portion of this Administrative Code Resolution is determined by any court to
24 be invalid, the invalid portion will be stricken, and such striking will not affect the validity

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1 of the remainder of this Administrative Code Resolution. If any court determines that this
2 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
3 individual, group, entity, property, or circumstance, such determination will not affect the
4 applicability of this Administrative Code Resolution to any other individual, group, entity,
5 property, or circumstance.

6 Section 3. Inclusion in the Broward County Administrative Code.

7 It is the intention of the Board of County Commissioners that the provisions of this
8 Administrative Code Resolution become part of the Broward County Administrative Code
9 as of the effective date. The sections of this Administrative Code Resolution may be
10 renumbered or relettered and the word "resolution" may be changed to "section," article,"
11 or such other appropriate word or phrase to the extent necessary in order to accomplish
12 such intention.

13 Section 4. Effective Date.

14 This Administrative Code Resolution is effective upon adoption.

15 ADOPTED this ____ day of _____, 2020.

16 Approved as to form and legal sufficiency:

17 Andrew J. Meyers, County Attorney

18 By: /s/ Al A DiCalvo 01/10/2020
19 Al A DiCalvo (date)
20 Assistant County Attorney

21 By: /s/ Russell J. Morrison 01/10/2020
22 Russell J. Morrison (date)
23 Senior Assistant County Attorney

24 RJM/dh/cr
Tariff 12_Items 1021 and 1036
01/10/2020
#19-009, #19-3015

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