

RESOLUTION NO. _____

RESOLUTION CREATING AND SETTING A LATE FEE FOR GREASE DISCHARGE PERMIT RENEWAL APPLICATIONS THAT ARE SUBMITTED AFTER THE DEADLINE SET FORTH IN CITY CODE

WHEREAS, City Code Section 13-6-16.4(A) requires all food service establishments to be evaluated and issued a Grease Discharge Permit (GDP) allowing them operate an approved grease interceptor or grease trap; and

WHEREAS, City Code Section 13-6-16.4(D.4) that requires that renewal application for the GDP be submitted no later than sixty days prior to their expiration; and

WHEREAS, There have been 10-20 establishments that do not send in renewal applications until 3 to 12 months past expiration of their Grease Discharge Permit;

WHEREAS, There currently is no fee established for the submission of renewal application for a Grease Discharge Permit after the submission deadline established in City Code; and

WHEREAS, In order to incentivize better compliance with the submission deadline for Grease Discharge Permits a late fee for Grease Discharge Permit renewal applications submitted less than sixty days before their expiration shall be established by this resolution; and

WHEREAS, Subsection A(5) of City Code Section 13-6-16.6 allows for the City Council to establish by resolution in “Schedule of Permit and Licensing Requirements in Appendix B of City Code”, other charges and fees as the City may deem necessary to carry out the requirements of the City’s Fats, Oils, and Grease Control Program; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA, that a late fee for late fee for Grease Discharge Permit renewal applications submitted less than sixty days before their expiration is hereby be added to the Schedule of Permit and Licensing Requirements in Appendix B of City Code”; that said late fee shall be paid in addition to the application fee established for the renewal of a Grease Discharge Permits in Appendix B; and the amount of this late fee shall be \$25 per each 30 days that a renewal application for a Grease Discharge Permit is submitted past the deadline set in City Code.

PASSED, APPROVED, AND ADOPTED this 5th day of September 2019.

CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA

Attest:

Diana L. Broderson, Mayor

Gregg Mandsager, City Clerk



1202 Musser Street
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WATER & RESOURCE RECOVERY FACILITY

MEMORANDUM

To: Gregg Mandsager, City Administrator

CC: Nancy Lueck, Finance Director
Stephanie Romagnoli, Human Resources

From: Jon Koch, WRRF Director

Date: August 27, 2019

Re: Resolution Creating and Setting a Late Fee for Grease Discharge Renewal Applications

INTRODUCTION: City code 13-6-16.4(A) requires all food service establishments shall be evaluated and issued a Grease Discharge Permit (GDP) to operate an approved grease interceptor or grease trap. City code 13-6-16.4(D.4) further requires a renewal application for the GDP be submitted within at least 60 days prior to expiration and that failure to do so would be a violation of the Section. City staff is recommending the addition of a \$25 per 30 day delinquency penalty for the violation of this Section to ensure a timely submission of the renewal application and recoup costs of staff time in attempting to pursue those establishments that have expired permits. City code 13-6-16.6(A.5) allows for "Other charges and fees as the City may deem necessary...".

BACKGROUND: The Pretreatment Department within the WRRF is in charge of the annual GDP permitting. Annually letters are sent 120 day prior to permit expiration. We annually have 10-20 establishments that do not send in renewal applications until 3-12 months past expiration of their current permit. One postcard reminder is sent to all delinquent establishments and visits by the Pretreatment Coordinator are routine for many of the repeat violators. This takes staff resources that could be spent elsewhere and is very costly. There is currently no monetary penalty for failure to submit applications in a timely manner.

RECOMMENDATION: Staff recommends the addition of a monetary penalty of \$25 for every 30 days a food service establishment is delinquent in submitting the Annual GDP Permit Application.

**APPENDIX A
Schedule of Penalties**

I. Municipal Infractions

A. Standard Civil Penalties:

1. First Offense: Not to exceed \$500
2. Each Repeat Offense: Not to exceed \$750

B. Special Civil Penalties:

1. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.
2. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
 - i. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
 - ii. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - iii. The violation does not continue in existence for more than eight (8) hours.

C. Specified Civil Penalties:

Code Section No.	Offense	First Offense	Repeat Offenses
5-3-9	Sale of Tobacco to Minors, penalties as provided in Iowa Code 453A.22	\$300 + 14 day suspension of permit	2 nd : \$1,500 + 30 day suspension 3 rd : \$1,500 + 30 day suspension 4 th : \$1,500 + 60 day suspension 5 th : Revocation.
5-2-5 [P] and 5-2-12	Amateur fighting and boxing	\$750	\$1,000
5-2-6	Amateur fighting and boxing	\$750	\$1,000
5-10	Violation of Peddlers, Solicitors, and Transient Merchant Ordinance	Not to Exceed \$100	Not to Exceed \$100
5-11-3[C] and 5-11-5	Residential sales - signs placed on public way	\$10	Second: \$25 Third and Subsequent: Not more than \$50 not less than \$75

Code Section No.	Offense	First Offense	Repeat Offenses
6-2-32	More than 4 False Alarms in 12 month period	5 False Alarms: \$50	6-8 False Alarms \$100 9 and more: Suspension of Alarm permit
6-2-32	Violation of Alarm Ordinance Generally	\$100	\$200
6-6	Parental Responsibility Violation	\$50	Second: \$100 Third and Subsequent: \$200
6-9	Failure to Comply with Pit Bull Requirements	\$300	\$300
13-6-10.6	Administrative fine; Failure to Comply with Sewer Use Regulations	Not to Exceed \$1,000	Not to Exceed \$1,000
13-6-11.2	Failure to Comply with Sewer Use Regulations	Not to Exceed \$1,000	Not to Exceed \$1,000

II. Notice of Fine/Violation

Code Section No.	Offense	First Offense	Repeat Offenses
7-1 et seq.	Parking violations generally.	\$10 first 20 citations	\$25 after 20 citations have been issued.
	Over time parking and expired meter violations.	\$10 first 20 citations. If not paid within 30 days, \$5 increase.	\$25 after 20 citations have been issued. If not paid within 30 days, \$5 increase.
	Snow emergency parking violations.	\$35. If not paid within 30 days, \$5 increase.	\$35. If not paid within 30 days, \$5 increase.
	Junk or Obsolete violations.	\$20. If not paid within 30 days, \$5 increase.	\$20. If not paid within 30 days, \$5 increase.
	Improper use of a persons with disabilities parking permit	\$200	\$200

Code Section No.	Offense	First Offense	Repeat Offenses
7-5	ATE: Over speed limit 1 through 10 mph	\$0	Same as first offense
	ATE: Over speed limit 11 through 20 mph	\$75, \$35 late fee if not paid within \$30 days	Same as first offense
	ATE: Over speed limit 21 through 25 mph	\$100, \$35 late fee if not paid within \$30 days	Same as first offense
	ATE: Over speed limit 26 through 30 mph	\$250, \$35 late fee if not paid within \$30 days	Same as first offense
	ATE: Over speed limit more than 30 mph	\$350, \$35 late fee if not paid within \$30 days	Same as first offense
7-12-3	Storing Vehicles on City Streets	\$10	Same as first offense
7-12-6	Junked Vehicles	\$20	Same as first offense

III. Simple Misdemeanor

A. Standard Penalty:

A person convicted of a simple misdemeanor under this Code of Ordinances shall be subject to a fine of no less than \$65.00 and no more than \$625.00. The court may also order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.

B. Specified Penalties:

CODE SECTION NO.	OFFENSE	FIRST OFFENSE	REPEAT OFFENSES
3-8	Failure to Comply with Levees Ordinance	\$100	\$100
3-9-2	Failure to Comply with Notice to Trim	\$100	\$100
5-2-8 [c]	Violation of Persons Under legal age punishable as provided in Iowa Code Section 123.47.	Not to Exceed \$100	Not to Exceed \$100
5-10	Violation of Peddlers, Solicitors, and Transient Merchant Ordinance	Not to Exceed \$100	Not to Exceed \$100

Code Section No.	Offense	First Offense	Repeat Offenses
5-15-7	Failure to License; salvage or junk yard or refuse or garbage collector	Not to Exceed \$100	Not to Exceed \$100
6-3	Violations of Chapter 6.3 are punishable as provided in Iowa Code Section, 903.1(a)		
6-5	Violations of Chapter 6-5 are punishable as provided in Iowa Code Section, 903.1(a).		
6-8	Failure to Comply with Animal Regulations	\$65	\$100, unless animal is altered within 30 days, then \$35 shall be waived.
6-11	Violations of Noise Regulations	Not to Exceed \$100	Not to Exceed \$100
Title 7.1 et seq.	All State of Iowa Traffic Violations that are incorporated by reference in the City Code shall be prosecuted as criminal offenses and all State Code scheduled fines shall apply		
Title 7.1 et seq.	Speed regulations shall be prosecuted as simple misdemeanors with scheduled fines adopted from State Code		
7-11	Violation of Load and Weight Restrictions	\$65	Second: \$75 Third and subsequent: \$100
13.6.11.3[A]	Willful or negligent violation of Sewer Use Regulations	Not to Exceed \$100	Not more than \$100
13.6.11.3[B]	Willful or negligent Introduction of substance into POTW	No less than \$100	Not more than \$100
13.6.11.3[C]	False Statements or representation	Not More than \$100	Not more than \$100