

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: April 15, 2002

FROM: CITY ATTORNEY

SUBJECT: ORDINANCE AMENDING TITLE 8 TO PROHIBIT DISPOSAL OF GREASE
IN CITY'S SEWER SYSTEM BY FOOD SERVICE ESTABLISHMENTS

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 8.14 TO
THE PASADENA MUNICIPAL CODE TO PROHIBIT FOOD SERVICE ESTABLISHMENT
DISPOSAL OF FATS, OILS AND GREASE IN THE CITY'S SEWER SYSTEM

PURPOSE OF ORDINANCE:

The purpose of this ordinance is to reduce incidents of sewage overflow due to grease blockage
in the city's sewer system, caused by improper disposal of grease by food service establishments.

REASON WHY THIS LEGISLATION IS NEEDED:

On February 4, 2002, the City Council directed the City Attorney's Office to draft this ordinance.
Section 410 of the Pasadena City Charter requires that the municipal code be amended by
ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Public Health Department and the Public Works and Transportation Department will share
administrative and enforcement responsibility under this ordinance. Food service establishments
such as restaurants, commercial kitchens, caterers, hotels, schools, hospitals, prisons, correctional
facilities or care institutions will be affected by this ordinance. Retail food markets such as
supermarkets, convenience stores, liquor stores, juice and beverage bars, candy stores and snack
shops; sandwich shops; and movie theaters are specifically exempted from this ordinance.

64198.1

MEETING OF 4/15/2002

AGENDA ITEM NO. 9.A.(2)

POLICY CHANGE:

This amendment of the code is a policy change in the sense that formerly there was no explicit municipal prohibition against restaurants disposing of fats, oils and grease in the city's sewer system.

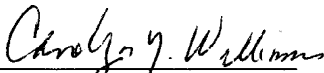
FISCAL IMPACT:

Staff anticipates that enactment of this ordinance will have no fiscal impact on the City's general fund. In general, compliance costs will be minimal, with the exception of new and renovated restaurants that may have to pay for equipment, which ranges in cost from \$800 to \$30,000. Fee adjustments for fiscal year 2003 will take into consideration additional staff efforts to enforce this new ordinance.

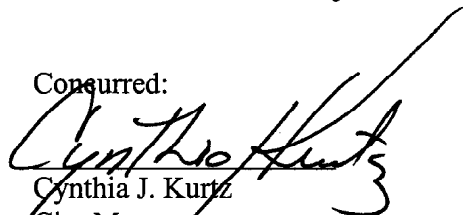
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Carolyn Y. Williams
Assistant City Attorney

Concurred:


Cynthia J. Kurtz
City Manager

Introduced by _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PASADENA ADDING A
NEW CHAPTER 8.14 TO THE PASADENA MUNICIPAL CODE
TO PROHIBIT FOOD SERVICE ESTABLISHMENT DISPOSAL
OF FATS, OILS AND GREASE IN THE CITY'S SEWER SYSTEM**

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the City Charter. The approved summary of this ordinance reads as follows:

"SUMMARY

The subject ordinance, Ordinance No. _____, adds a new chapter to Title 8 ("Health and Safety") of the Pasadena Municipal Code, prohibiting food service establishments from disposing of fats, oils and grease in the city's sewer system. Specifically, this ordinance requires food service establishments to adopt "best management practices" in the disposal of fats, oils and grease. These are simple, cost-effective methods which reduce the amount of unnecessary fats, oils and grease entering the city's sewer collection and treatment system. The ordinance prohibits disposal in drains, garbage disposals and toilets by owners, managers or their employees. Owners must store grease in approved containers with tight-fitting lids and keep containers in a secured area to prevent spillage due to accidents or vandalism. New restaurants and restaurants undergoing major renovations would be required to install grease interceptors or traps as directed by the Public Health Department or the Public Works and Transportation Department. Retail markets, sandwich shops, and theaters are exempt from this ordinance.

Ordinance No. _____ shall take effect thirty (30) days after its publication."

SECTION 2. The Pasadena Municipal Code is amended to add a new Chapter 8.14 to read:

“Chapter 8.14

GREASE AND OIL DISPOSAL ORDINANCE

Sections:

- 8.14.010 Short title.**
- 8.14.020 Purpose.**
- 8.14.030 Definitions.**
- 8.14.040 Public nuisance.**
- 8.14.050 Food service establishment requirements.**
- 8.14.060 Grease interceptor requirements.**
- 8.14.070 Grease trap requirements.**
- 8.14.080 Enforcement officials.**
- 8.14.090 Administrative hearing procedure.**
- 8.14.100 Violation and penalty.**
- 8.14.110 Exemptions.**

8.14.010 Short title.

This chapter shall be known as the “grease and oil disposal” ordinance.

8.14.020 Finding and purpose.

The city council finds that sewage overflow released at inappropriate exit points releases contamination, creating public health risks and property damage. Cooking grease and oil from a heavy concentration of restaurants in a small area can enter the city’s sewer system. The purpose of this ordinance is to regulate the disposal of food service establishment cooking greases so as

to prevent blockages in the city's sewer system caused by the collection of grease, thereby forcing raw sewage to escape through manhole covers, surface drainage systems or other inappropriate exit points.

8.14.030 Definitions.

As used in this chapter, the following terms have the meanings set forth below:

A. "Best management practices" means activities, prohibitions of practices, maintenance procedures, and other management practices as determined by the Public Health Department and the Public Works and Transportation Department to prevent or reduce the discharge of fats, oils and greases into the public sewer and storm drain systems.

B. "Fats, oils and greases" means organic polar compounds derived from animal and/or plant sources, containing multiple carbon chain triglyceride molecules, detectable and measurable using analytical test procedures established in Section 136 of Title 40 of the Code of Federal Regulations, as amended, hereafter sometimes referred to as "grease" or "greases."

C. "Grease trap" means a device hooked directly to the outgoing drains of sinks and dishwashers, inside the restaurant near the food preparation areas, intended for separating the grease from the wastewater before it enters the sewer collection and treatment system.

D. "Grease interceptor" means a large underground tank installed outside the restaurant and connected to the restaurant's outgoing sewer drainage system, designed for removing and preventing fats, oils, and grease from entering the sewer collection system.

E. "Food service establishment" means a facility engaged in preparing food for consumption by the public such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, or care institution, which prepares food by frying, baking, grilling, sauteing, broiling, rotisserie cooking, boiling, blanching, roasting, toasting, poaching,

infrared heating, barbecuing, or any other method of food preparation that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

F. "Minimum design capability" means the design features of a grease interceptor and the capacity or volume required effectively to intercept and retain grease from grease-laden wastewater discharged into the sewer collection and treatment system.

G. "Solid waste disposal" means disposing of small amounts of grease by wrapping the grease in paper or storing it in a container for disposal with the restaurants's daily trash and garbage.

H. "Wastewater" means used or spent water from homes, communities, farms and businesses that contains enough harmful material to damage the water's quality. Wastewater includes both the domestic sewage and industrial waste from manufacturing sources.

8.14.040 Public nuisance.

Any condition caused or permitted to exist in violation of the requirements of this chapter shall be deemed and is declared to be a public nuisance.

8.14.050 Food service establishment requirements.

All food service establishments which discharge wastewater into the city's sewer collection and treatment system shall implement the following requirements:

A. Owners and employees of a food service establishment shall implement and be able to demonstrate compliance with the best management practices for handling fats, oils and grease.

B. Containers used for storage of fats, oils and grease shall be kept in leak-proof containers and shall be secured with close-fitting lids so as to minimize the creation of a nuisance condition. The storage container shall be kept in a location on the premises so that there is no

possibility of an accidental or deliberate spillage of the waste onto the public right-of-way. All stored fats, oils, and grease shall be removed for recycling as frequently as may be necessary to prevent the creation of a nuisance. Spillage of any fats, oils and grease shall be removed and cleaned immediately.

C. All new food service establishments shall be required to submit to the Public Health Department plans outlining the manner in which they will comply with the grease interceptor requirements. All existing food service establishments which plan modifications in plumbing improvements, with a building permit evaluation of \$20,000 or more, shall be required to include in the plan the manner in which they will comply with the grease interceptor requirements.

D. Food service establishments subject to the grease interceptor requirements (as outlined in subsection C above) may be granted a variance if the enforcement official determines that installation of a grease interceptor would be infeasible due to space constraints or other factors. The enforcement official may authorize the installation of a grease trap or other alternative pre-treatment technology where the installation of a grease interceptor is infeasible. The food service establishment shall bear the burden of demonstrating that the installation of a grease interceptor is infeasible.

E. All alternative pre-treatment technology shall be appropriately sized and approved by the enforcement official prior to installation. Alternate pre-treatment technology includes, but is not limited to, devices used to trap, separate and store grease from wastewater, preventing it from being discharged into the city's sewer collection and treatment system.

8.14.060 Grease interceptor requirements.

Grease interceptors shall conform with the following standards:

A. Grease interceptor sizing and installation shall conform to the requirements in the

1998 California Plumbing Code.

B. Grease interceptors shall be constructed in accordance with a design approved by the City Engineer and shall have a minimum of two compartments with fittings designed for grease retention.

C. Grease interceptors shall be installed at a location easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor shall not be installed in any part of the building where food is handled. The location of the grease interceptor must be approved by the City Engineer.

D. All such grease interceptors shall be serviced and emptied of accumulated waste contents as required in order to maintain minimum design capacity or effective volume. These devices must be inspected at least monthly.

E. Users who are required to main a grease interceptor shall provide for a minimum hydraulic retention time in accordance with the 1998 California Plumbing Code, and remove any accumulated grease cap and sludge pocket as required.

F. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into the sludge pocket and thereby reduce the effective volume of the device.

G. The grease interceptor user shall maintain a written record of inspection and maintenance for three (3) years. All such records shall be made available for on-site inspection by enforcement officials during all business operating hours.

H. Sanitary wastes shall not be allowed to be connected to sewer lines intended for grease interceptor service.

I. Users shall provide access manholes, with a minimum diameter of 24 inches, over each

grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

8.14.070 Grease trap requirements.

Grease traps shall conform with the following standards:

A. Upon approval by the enforcement officials, a grease trap complying with the provisions in this section, shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that could effect line stoppage or hinder sewage treatment or private sewage disposal.

B. Grease trap sizing and installation shall conform to the requirements in the 1998 California Plumbing Code.

C. No grease trap shall be installed which has a stated rate flow of more than 55 gallons per minute, nor less than 20 gallons per minute, except when specifically authorized by the enforcement officials.

D. Grease traps shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, or public or private sewer.

E. No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.

F. Wastewater in excess of 140 degrees Fahrenheit, or 60 degrees Celsius shall not be discharged into a grease trap.

8.14.080 Enforcement officials.

The provisions of this chapter shall be jointly enforced by the Environmental Health Division Manager and the City Engineer. They or their authorized representatives are hereby authorized to make such inspections and take such actions, including lawful entry upon such premises, as may be required to enforce the provisions of this chapter.

8.14.090 Administrative hearing procedure.

When the enforcement officials determine that a food service establishment may be in violation of the provisions of this chapter, an administrative hearing may be scheduled to resolve the matter.

A. The owner of the food service establishment shall be issued a notice of administrative hearing at least ten (10) days before the scheduled hearing. The notice shall state the name and address of the property, the name of the owner of record, the nature of the alleged violation, the date, time and place of the hearing, and the enforcement official who shall hear the case.

B. Before the hearing commences, the enforcement official shall provide the food service establishment owner a copy of the staff report outlining the city's inspection activities related to the alleged violation and a proposed abatement plan if the official determines that a public nuisance exists on the property.

C. The owner shall be permitted to submit evidence to rebut the existence of a violation caused by the food service establishment.

D. At the conclusion of the hearing, the enforcement official shall make a finding concerning the allegation of public nuisance. This shall be the final administrative decision in the matter and a written determination letter shall be mailed to the owner.

8.14.100 Violation and penalty.

It is declared unlawful and a misdemeanor for the owner, manager or other employee of a commercial or nonprofit food service establishment to violate any of the provisions of this chapter. Alternatively, the city may address violations of this chapter through the administrative citation process outlined in Chapter 1.26 of the code. The city manager shall appointment an administrative hearing officer regarding any disputed administrative citations issued pursuant to Chapter 1.26.

8.14.110 Exemptions.

The following entities shall be exempt from this ordinance: retail food markets such as supermarkets, convenience stores, liquor stores, juice and beverage bars, candy stores and snack shops; sandwich shops; and movie theaters.”

SECTION 3. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by number, title and summary, and the City Clerk’s certification.

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Signed and approved this _____ day of _____ 2002.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of
the City of Pasadena at its meeting of _____, 2002, by the following vote:

AYES:

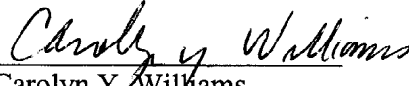
NOES:

ABSENT:

ABSTAIN:

Published:

APPROVED AS TO FORM:



Carolyn Y. Williams
Assistant City Attorney

Jane Rodriguez, CMC
City Clerk