

BOROUGH OF MIDLAND
ORDINANCE NO. 678

AN ORDINANCE GOVERNING THE RELEASE OF GREASE FROM
RESTAURANTS AND FOOD PREPARATION FACILITIES

WHEREAS, the Borough of Midland (herein called the "Borough") is desirous to govern the release of grease into the Sewage Collection and Treatment System (Sewage System) from restaurants and food preparation facilities and;

WHEREAS, the regulation and control of grease is necessary for the proper operation and maintenance of the Sewage System;

WHEREAS, the Borough of Midland has elected to follow pertinent requirements of the International Plumbing Code as regards selection and sizing of fat/oil/grease (FOG) controls;

NOW THEREFORE, in consideration of the foregoing, the Borough of Midland hereby ordains and enacts the following:

SECTION 1. Definitions.

EXCESSIVE AMOUNTS OF GREASE – Discharge concentrations exceeding 100 parts per million (ppm) of fat/oil/grease (FOG) downstream of an interceptor or trap.

FOOD PREPARATION FACILITY – Any food establishment in any building, room or place or any portion thereof or appurtenance thereto, where food or drink is mixed, cooked or otherwise prepared, offered for sale, sold, served or given with or without charge to patrons, customers guests for consumption on or off of the premises provided, however, that this does not include the mixing, cooking or other preparation of serving of food in single-family dwellings to the resident family or its guests.

INTERNATIONAL PLUMBING CODE (IPC) – The 2003 International Plumbing Code, Chapter 10, Traps, Interceptors and Separators, or the latest version thereof.

RESTAURANT – Any public eating place where meals are prepared, offered for sale, sold and served to patrons, customers or guests for compensation based on the price charged for and generally paid at the conclusion of each meal. The words "meals," as used herein, means meals generally consisting of courses embracing some kind of meat or its equivalent, vegetable, bread, pastry, beverages and accompaniment.

TRAP/INTERCEPTOR – A physical device designed specifically to capture and contain fats, oils, or grease from a plumbing system prior to any public sanitary sewer.

SOLIDS INTERCEPTOR – An interceptor designed specifically to capture and contain solid waste material from a plumbing system prior to any public sanitary sewer.

SOLID WASTE DEVICE – Any device such as a waste grinder, garbage disposal, potato peeler, etc., intended to macerate solid waste prior to disposal in the public sewer system.

SECTION 2. Plumbing to be in good repair.

Every building or room occupied or used as a food preparation facility or restaurant shall be well drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through to the main public sewer. All drains, sewers, waste and soil pipes, traps in water and gas pipes shall at all times be kept in good repair and order so that no gasses or odors shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair from obstruction.

SECTION 3. Grease traps and grease interceptors required.

- A. On or before October 10, 2014, every building, room or space or part thereof used as a restaurant or food preparation facility, whether new or existing, shall install such grease interceptor or grease traps as may be deemed reasonably necessary by the Code Enforcement Officer of the Borough and/or the Borough's responsible agent to prevent the discharge of wastes in excess of that otherwise permitted by the above-listed standard into the public sewer system; and provided further, that in the event that a grease trap or traps are mandated hereunder, then the same shall be (a) installed in such location and in such a manner as is satisfactory to the Code Enforcement Officer of the Borough and/or the Borough's responsible agent; and (b) maintained on a regular basis by the owner/occupant(s) of the premises upon which they are located in order to prevent a discharge in excessive amounts of grease. Either individual internal grease traps or an underground grease interceptor must be installed on each fixture in existing or any changes of use or occupancy of existing structure involving restaurants or food preparation facilities structures used as restaurants and food preparation facilities. An external underground grease interceptor must be installed in all new structures where required, in accordance with IPC capacity limits. The selection of either a trap or interceptor and the sizing of the same shall be determined in accordance with Table 1003.3.4.1 of the International Plumbing Code, which is included herein by reference.
- B. All newly constructed restaurants or food preparation facilities shall be required to install an exterior, underground grease interceptor of sufficient size as determined by the Code Enforcement Officer of the Borough or the Borough's

responsible agent. The minimum size of the grease interceptor shall be determined in accordance with Table 1003.3.4.1 of the International Plumbing Code.

- C. In all existing restaurants or food preparation facilities, there shall be installed a grease interceptor or grease trap as determined by flow-through rate, as detailed above. In existing facilities where it is reasonably determined by the Code Enforcement Officer of the Borough or the Borough's responsible agent that a grease trap is not sufficiently sized to handle the existing fixture flow rate, the Borough or its responsible agent or assigns may require that an external grease interceptor (as detailed above) be installed. Such shall be evidenced by excessive amounts of grease being discharged into the public sewer system by the restaurant or food preparation facility.
- D. Each grease interceptor or grease trap shall and must be installed by a plumber approved by the Code Enforcement Officer of the Borough or the Borough's responsible agent.

SECTION 4. Installation of grease interceptors and traps.

- A. Said grease interceptors shall be installed and located according to IPC 10 prior to the entrance of the main public sewer line. An inspection site tee shall be installed between the interceptor discharge and connection into the public sewer system. All installations shall be in accordance with the Borough Rules and Regulations, IPC 10 and the manufacturer's recommendations.
- B. No solid waste devices are permitted to discharge directly into the grease trap or grease interceptor. A solids interceptor is required to separate the discharge from the solid waste device before connecting to any grease trap or grease interceptor. The solids interceptor and grease trap or grease interceptor is required to be sized and rated for the discharge of the food waste grinder.

SECTION 5. Maintenance of grease interceptors and grease traps; testing.

- A. All grease interceptors and grease traps shall be maintained and kept in good working order at all times by the Owner. The grease interceptor or grease trap shall limit the amount of discharge into the public sewer to FOG levels not exceeding 100 parts per million downstream of the interceptor or trap.
- B. The owner, lessee or agent of any restaurant or food preparation facility shall, at a minimum of, quarterly inspect and document the maintenance and condition of the grease interceptor or grease trap(s). The inspection record must document, at a minimum, the name (inspector and company), address, telephone number of the inspection/disposal company, the method and frequency of cleaning schedule, the

date of the cleaning inspection and the condition of the grease trap or grease interceptor. The Borough may at any time request presentation of such documentation. A more frequent cleaning/inspection schedule may be ordered to be performed by the facility if it is reasonably determined by the Borough that the facility discharges excessive amounts of FOG to the public sewer system.

Testing by an independent laboratory may be performed by the Borough to determine the amount of FOG discharge into the public sewer system. The Borough, at its own cost, may request random sampling of the discharge from grease trap(s) or the grease interceptor in restaurants and food preparation facilities. Failure of this independent laboratory testing requires the owner, lessee or agent of any restaurant or food preparation facility to reimburse the Borough for all costs associated with the testing, including Borough administrative costs. Additional fines or penalties may be assessed as addressed within this Ordinance.

SECTION 6. Violations and penalties.

- A. Whosoever violates any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of up to \$1,000 for each offense plus costs of prosecution and, in default of payment of such fine and cost of prosecution, shall be imprisoned for a period not exceeding 30 days. Each day that a violation continues shall be deemed a separate offense.
- B. Whosoever violates any of the provisions of this article shall cease to discharge or infiltrate or permit the discharge or infiltration of the violating materials and substances upon receiving 30 days' notice, in writing, to do so. In case the violator neglects or refuses to do so, in addition to the fines set forth above, Midland Borough may proceed to have the violating system disconnected and the cost thereof, together with the penalty of 10% additional thereto, shall be collected from the violator in the manner now provided by law. In addition to the penalties provided above, the Borough of Midland shall have the right, upon proper notification, to cause water service to the offending premises to be terminated by the provider thereof.
- C. Whosoever fails the laboratory analysis involved with the grease-trap testing shall pay the administrative fees within 30 days of notice. Any fees not paid within 30 days may initiate legal action for collection.

SECTION 7. Right of entry/inspection of facility maintenance.

- A. In the discharge of duties, Midland Borough personnel or responsible agent shall have the authority to enter, at any reasonable hour, any restaurant or food preparation facility in the jurisdiction to enforce the provisions of the article.

- B. The Midland Borough personnel may cooperate with or delegate his/her authority to the appropriate authorized representative or other County agency charged with the duty of enforcing any ordinance or regulations relating to the subject matter of the ordinance.

SECTION 8

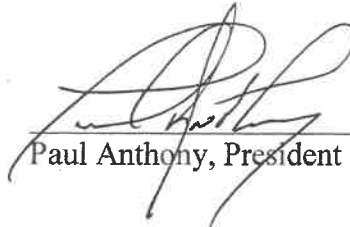
If for any reason any portion of the within ordinance shall be declared illegal, invalid or unconstitutional of by any Court of confident jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

ORDAINED and ENACTED as an Ordinance of the Town Council of the Borough of Midland, County of Beaver, Commonwealth of Pennsylvania, this 10th day of October 2013.

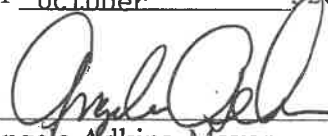
ATTEST:

BOROUGH OF MIDLAND


Diane Kemp, Borough Manager (SEAL)


Paul Anthony, President of Council

Examined and approved this 17th day of October 2013.


Angela Adkins, Mayor

I hereby certify that this Ordinance was duly enacted by the Borough Council of Midland Borough this Tenth day of October, 2013.

BY: 
Borough Manager/Treasurer

I hereby certify that the foregoing Ordinance was advertised in the Beaver County Times, a newspaper of general circulation in the municipality, on October 2, 2013, and was duly enacted and approved as set forth at a regular meeting of the Borough of Midland on October 10, 2013.

(SEAL)

BY:

Dani McKim

Borough Manager/Treasurer

Recorded
10/22/13
[Signature]