

Article 4: Sewers**Division 7: Food Establishment Wastewater**

(“Food Establishment Wastewater”
added 7-11-1988 by O-17114 N.S.)

§64.0701 Waste Disposal — Permit Required

Facilities engaged in preparing food for consumption by the public desiring to discharge wastewater into a public sewer shall obtain a permit to discharge from the City Manager known as a permit for Food Establishment Wastewater Discharge.
(“Waste Disposal — Permit Required” added 7-11-1988 by O-17114 N.S.)

§64.0702 Subject to Industrial Wastewater Limitations

Wastewater discharged into public sewers from facilities engaged in preparing food for consumption by the public shall be subject to the limitations set forth in Section 64.0512 of this Code and such other conditions and requirements as are set forth in the Permit for Food Establishment Wastewater Discharge. The Permit for Food Establishment Wastewater Discharge shall be subject to all provisions of this ordinance and all other regulations, user charges and fees established from time to time by resolution of the City Council.

(“Subject to Industrial Wastewater Limitations” added 7-11-1988 by O-17114 N.S.)

§64.0703 Permit for Food Establishment Wastewater Discharge

The Permit for Food Establishment Wastewater Discharge may require pretreatment of wastewater before discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of the City, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the City created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of this ordinance. No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the Permit of Industrial Wastewater Discharge.

(“Permit for Food Establishment Wastewater Discharge” added 7-11-1988 by O-17114 N.S.)

§64.0704 Permit Application

Persons seeking a Food Establishment Wastewater Discharge Permit shall complete and file with the City Manager, an application in the form prescribed by the City Manager, and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name and address of applicant.
- (b) Volume of wastewater to be discharged.
- (c) Time of daily food preparation operations.
- (d) Description of food preparation, type, number of meals served, cleanup procedures, dining room capacity, number of employees and size of kitchen.
- (e) Any other information as may be deemed by the City Manager to be necessary to evaluate the permit application. The City Manager will evaluate the data furnished by the applicant and may require additional information. After evaluation and acceptance of the data furnished, an on-site inspection of the waste discharge system, treatment systems or other systems relating to the waste discharge may be required. The City Manager may then issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

(“Permit Application” added 7-11-1988 by O-17114 N.S.)

§64.0705 Duration of Permits

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the permittee is not notified by the City thirty (30) days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit as limitations or requirements as identified in Section 64.0512 are modified and changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(“Duration of Permits” added 7-11-1988 by O-17114 N.S.)

§64.0706 Transfer of Permit

Food Establishment Wastewater Discharge Permits shall be issued only for specific use for a specific operation. Any sale, lease, transfer or assignment of the premises or operation for which the permit was issued shall require a new permit to be issued. Any new or changed conditions of operation shall require a new permit to be issued. (*"Transfer of Permit"* added 7-11-1988 by O-17114 N.S.)

§64.0707 Revocation of Food Establishment Wastewater Permit

The City Manager may revoke the permit of any permittee who is found to be in violation of this ordinance or who:

- (a) Fails to install grease pretreatment devices as required by permit;
- (b) Fails to fulfill reporting requirements or pretreatment maintenance as required by permit;
- (c) Refuses reasonable access to the permittee's premise for the purpose of inspection of monitoring; or
- (d) Violates conditions of the permit.

(*"Revocation of Food Establishment Wastewater Permit"* added 7-11-1988 by O-17114 N.S.)

§64.0708 Grease Pretreatment Required

Permittee shall make wastewater acceptable under the limitations established herein before discharging to any public sewer. All permittees shall be required to install an approved type grease pretreatment device in the waste line leading from the food preparation area, or from sinks, drains, appliances and other fixtures or equipment used in food preparation or cleanup where grease may be introduced into the sewerage system. Such grease pretreatment devices shall be installed to remove grease from wastewater and shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public sewer.

Each permittee shall also be required to provide a collection drum or container for the purpose of physically segregating oils, greases and greasy solids. Permittees shall establish procedures for personnel to practice maximum segregation of oils, greases

and greasy solids to the collection drum or container prior to washing and other water cleaning which goes into sewers. The permittee shall be responsible for the proper removal and disposal by appropriate means of the material captured from either grease pretreatment devices on wastewater lines or the collection drum for segregating oils, greases and greasy solids.

(“*Grease Pretreatment Required*” added 7-11-1988 by O-17114 N.S.)

§64.0709 Maintenance Reports

The City Manager shall require the permittee to keep records of grease pretreatment device cleaning, maintenance and grease removal and to report on such maintenance to the City permit administration. The City Manager may require the permittee to provide results of periodic measurements of its discharge which is to include chemical analysis of oil and grease content. Permittees shall allow the City or its representative ready access at all reasonable times to all parts of the premises for purposes of sampling and inspections.

(“*Maintenance Reports*” added 7-11-1988 by O-17114 N.S.)

§64.0710 Penalty for Violation and Civil Liability

(a) Public Nuisance

Discharge of wastewater in any manner in violation of this ordinance or of any order issued by the City Manager as authorized by this ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager. Any person creating such a public nuisance is guilty of a misdemeanor.

(b) Injunction

Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the City Manager may cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

(c) Costs of Damage

Any person violating any of the provisions of this ordinance or who has a discharge which causes a deposit, obstruction, damage, or any other

impairment to the City's facilities shall become liable to the City for all expense, loss, or damage occasioned the City by reason of such violation or discharge.

(d) Falsifying of Information

Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the City Manager or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall be guilty of a misdemeanor.

(e) Termination of Service

The City may revoke any Industrial Wastewater Discharge Permit issued pursuant to Division 5 hereof or terminate or cause to be terminated any wastewater service to any premise if a violation of any provision of this ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance. This provision is in addition to other statutes or rules authorizing termination of service for delinquency in payment.

When deemed necessary by the City Manager for the preservation of public health or safety or for the protection of public or private property, he may suspend sewer service to any person or persons using the wastewater system in a manner or way to endanger the public health or safety, or public or private property. In suspending service he may sever all pertinent connections to the public sewer. If such endangerment shall be imminent, then the City Manager may act immediately to suspend sewer service without notice or warning to said person or persons.

(“Penalty for Violation and Civil Liability” added 7-11-1988 by O-17114 N.S.)

§64.0711 Notice and Appeal Procedures

Unless otherwise provided herein, any notice required to be given by the City Manager under this ordinance shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the City Manager. Where the address is unknown, service may be made upon the owner of record of the property involved.

Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a facility regularly serviced by the United States Postal Service.

Any person found to be violating any provision of this ordinance shall be served by the City Manager with written notice stating the nature of the violation. Within thirty (30) days after the date of the notice, unless a shorter time is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the City Manager. If the violation is not corrected by timely compliance, or a satisfactory correction plan submitted within the specified time, the City Manager may order any person to show cause before the City Manager why enforcement action should not be taken. A written notice shall be served on the person specifying the time and place of a hearing, the reason why the action is to be taken, and the proposed enforcement action. The City Manager may propose any enforcement action reasonably necessary to abate the violation. Based upon the evidence presented at the hearing, the City Manager shall determine the appropriate enforcement action which should be taken, if any.

(“*Notice and Appeal Procedures*” added 7-11-1988 by O-17114 N.S.)