

## **ORDINANCE NO. 2022:15**

### **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER BH2 OF THE BOARD OF HEALTH CODE OF THE BOROUGH OF NEW MILFORD'S REVISED GENERAL ORDINANCES TO ADD SECTION BH2-3 ENTITLED "GREASE TRAPS"**

**WHEREAS**, the Board of Health of the Borough of New Milford recognizes that grease traps are necessary to ensure that harmful quantities of grease and oil do not enter the Borough's sewer system; and

**WHEREAS**, the Board of Health is desirous of creating regulations for installation, inspection and maintenance of grease traps in appropriate facilities throughout the Borough; and

**WHEREAS**, the Board of Health is further desirous of creating appropriate penalties to be assessed in the case of non-compliance with these regulations.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of New Milford Chapter BH2 of the Board of Health Code of the Borough of New Milford is amended and supplemented to add therein the following:

#### **BH2-3. GREASE TRAPS**

##### **BH2-3.1 PURPOSE**

To aid in the prevention of sanitary sewer blockages, backups and obstructions from contributions and accumulation of fats, oils, and greases into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

##### **BH2-3.2 DEFINITIONS**

**FATS, OILS, AND GREASES ("FOG")** – Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

**GREASE TRAP** – A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect sellable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

**FOOD SERVICE FACILITY** – Those establishments primarily engaged in the activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all

methods), grilling, sauteing, rotisserie cooking, broiling (all methods) boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users who discharge applicable waste as determined by the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector.

**USER** – Any person who contributes, causes or permits the contribution or discharge of wastewater into sewers within the Borough’s boundaries, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

### **BH2-3.3 CONTROL PLAN FOR FOG AND FOOD WASTE**

- A. Any new construction, renovation or expansion of Food Service Facilities shall be required to submit to the Borough a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.
- B. Any existing Food Service Facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Each Food Service Facility will have ninety (90) days from the passage of this Ordinance to provide the plan. Existing facilities shall not be exempt from the requirements of this ordinance. There will be no “grandfathering.”
- C. The Control Plan must be submitted, signed and sealed, from a licensed architect if required by the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector.
- D. Evaluation of current traps and cleaning frequency by rendering company must be prepared and submitted to the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector.

### **BH2-3.4 INSTALLATION REQUIREMENTS**

All existing, proposed, or newly remodeled Food Service Facilities within the Borough of New Milford shall be required to install, at the user’s expense, an approved, properly operated and maintained grease trap or acceptable grease recovery system.

### **BH2-3.5 ACCESS**

Access to grease traps shall be available during normal Borough business hours to allow for their maintenance and inspection by the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector. Access to include the ability to open the trap, if the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector require

access. Should an emergency situation arise, the access must be provided to the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector at any time of day or night to address the emergent situation.

## **BH2-3.6 GREASE TRAP MAINTENANCE**

- a. **CLEANING.** The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, bottle sludge and solids. Decanting or discharging of removed waste back into the trap from which it was removed, or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. Any needed repairs shall be noted. Repairs shall be made at user's expense.
- b. **CLEANING FREQUENCY.** The grease trap must be pumped out completely a minimum of one to two months, or more frequently as determined by the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector as needed, to prevent carryover of grease into the sanitary sewer system. This work shall be performed by a qualified and licensed hauler.
- c. **DISPOSAL.** The grease trap must be cleaned and maintained pursuant to the Control Plan.
- d. **MAINTENANCE LOG.** A grease trap cleaning/maintenance log indicating each cleaning for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, signature of person performing the service, and disposal method, and shall be kept in a conspicuous location for inspection. Said log shall be made available to the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector upon request.
- e. **RETENTION OF RECORDS.** Each user shall retain all cleaning and maintenance records for review by the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector upon their request. The maintenance records shall include the following information:
  - 1. Facility name, address, contact person, and telephone number
  - 2. Company name, address, telephone number, and contact name of person responsible for performing the maintenance, cleaning pumping, or repair of grease trap
  - 3. Types of maintenance performed
  - 4. Dates maintenance was performed
  - 5. Date of next scheduled maintenance
  - 6. Copies of manifests

The Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector, the user shall be

required to perform the maintenance and provide records of said maintenance within 14 calendar days. Upon inspection by the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector, the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials in the wastewater collection system.

### **BH2-3.7 ENFORCEMENT AND FINES.**

- a. **RECOVERY OF DAMAGES.** When the discharge from a Food Service Facility causes an obstruction, damage, or any other impairment to the sewer system, or causes any expense, fine, penalty, or damage of whatever character or nature to the Borough, the Borough of New Milford shall invoice the food service facility owner with notice to the property owner for same incurred by the Borough. If the invoice is not paid, the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector shall notify the Borough Attorney to take such actions as shall be appropriate to seek reimbursement.
- b. **PENALTY.** Any person who violates the Article is subject to the following fines:
  - 1. First Offense: Up to \$250/day until corrected, plus reimbursement of costs and damages.
  - 2. Second Offense: \$500/day until corrected, plus reimbursement of costs and damages.
  - 3. Third or greater offense: \$1,000/day until corrected, plus reimbursement of costs and damages, plus possible closure of discharge to Borough sewers.
  - 4. Failure to draft the Control Plan shall result in a fine of \$50/day until corrected.
  - 5. Failure to maintain the Maintenance Log shall result in a fine of \$50/day until corrected.
  - 6. Violations of Section BH2-3.6, entitled Grease Trap Maintenance, may result in the user hiring a qualified and licensed hauler to maintain the grease traps for one year from the time of the violation, based on the determination of the Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector.
- c. In the event the owner of the Food Service Facility, tenant, or person in possession of the premises in question shall fail to pay any invoice for Recovery of Damages incurred by the Borough of New Milford, or any penalty assessed under this section within the time permitted to do so when invoiced or assessed, the amount so charged or penalty imposed shall by resolution of the Mayor and Council forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this section.

### **BH2-3.8 Remedies Nonexclusive.**

The remedies provided for in this Ordinance are not mutually exclusive. The Plumbing Subcode Official, Construction Official, Borough representative or Health Inspector may take any, all, or any combination of these actions against a non-compliant person food service facility owner.

**BH2-3.9 Severability**

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof. All ordinances or parts of ordinances, which are inconsistent with this ordinance are hereby repealed, but only to the extent of such inconsistency.

This ordinance shall take effect upon final passage and publication as prescribed by law and enforcement shall commence ninety (90) days after passage.