**ORDINANCE NO. 528**

**BOROUGH OF BENTLEYVILLE**
**WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE DEFINING, REGULATING, AND RESTRICTING THE DISCHARGE OF GREASE, OIL, AND FAT BY RESTAURANTS, FOOD PREPARATION FACILITIES, ETC.; THE IMPLEMENTATION OF GREASE TRAPS AND GREASE INTERCEPTORS BY SEPTEMBER 1, 2008 THEREOF; AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, the Pigeon Creek Sanitary Authority (the "Authority") has experienced problems with the discharge of grease, oil, and fat products by various restaurants and other food preparation facilities; and

**WHEREAS**, the Authority has requested the Council of the Borough of Bentleyville to enact this ordinance for the remediation of problems with the discharge of grease, oil, and fat products; and

**WHEREAS**, it would be in the best interest of the residents of the Borough of Bentleyville to enact this ordinance,

**NOW THEREFORE**, BE IT ORDAINED AND ENACTED by the Borough of Bentleyville, County of Washington, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

**SECTION 1. TITLE.**

This Ordinance shall be hereafter known as the "Bentleyville Borough Grease Remediation Ordinance".

**SECTION 2. DEFINITIONS.**

As used in the Ordinance, the following terms shall have the meanings indicated:

**AUTHORITY** – Pigeon Creek Sanitary Authority

**EXCESSIVE AMOUNTS OF GREASE** – Discharge concentrations exceeding 100 parts per million (ppm) of grease, oil and fat 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 human food or drink is mixed, cooked or otherwise prepared, offered for sale, sold, served, or given with or without charge to patrons, customers or guests for consumption on the premises; provided however, that this does not include the mixing, cooking or other preparation or serving of food in single family dwellings to the resident family or its guests.

**GREASE INTERCEPTOR** – An interceptor whose rated flow exceeds 35 gallons per minute (gpm) and which is located underground outside the building.

**GREASE TRAP** – An interceptor whose flow rate is 35 gpm or less and which is located inside the building. Grease traps shall be rated for a minimum of 22.5 gpm.

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

**SECTION 3. 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 it to the main 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 odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair and free from obstruction.

**SECTION 4. GREASE TRAPS AND GREASE INTERCEPTORS REQUIRED.**

A. On or before September 1, 2008, every building, room or space or part thereof used as a restaurant or food preparation facility, whether new or existing, shall install or cause

to be installed a grease interceptor or grease trap. The type of installation shall be determined by the total fixture flow-through rate of potential grease laden fixtures discharging through the building sewage lines as determined by the Pigeon Creek Sanitary Authority. For flow-through rates of 35 gpm or less, an internal grease trap may be installed in certain existing structures used as restaurants and food preparation facilities. For flow-through rates exceeding 35 gpm, an external underground grease interceptor must be installed in all new structures or changes of use involving restaurants or food preparation facilities.

B. All new restaurants or food preparation facilities shall be required to install an exterior, underground grease interceptor of a minimum one thousand gallon capacity, regardless of flow-through rate.

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 determined by the Authority that a grease trap is not sufficient, Bentleyville Borough or its responsible agent or assigns may require that a grease interceptor (as detailed above) be installed. Such insufficiency shall be evidenced by excessive amounts of grease being discharged into the public sewer system by a facility. All existing restaurants or food preparation facilities shall, at a change of ownership or operation, install an exterior, underground grease interceptor of a minimum one thousand gallon capacity. In all existing structures, buildings or parts thereof in which there is a change of use or occupancy to that of a restaurant or food preparation facility, there shall be installed a grease interceptor, minimum one thousand gallon capacity, regardless of flow-through rate. Each grease interceptor or grease trap shall and must be installed by a plumber approved by the Authority.

**SECTION 5. INSTALLATION OF GREASE TRAPS AND INTERCEPTORS.**

A. Said grease trap or interceptors shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the line's entry into the main public sewer line. An inspection site tee shall be installed between the interceptor discharge and connect to the public sewer system. All installations shall be in accordance with the Pigeon Creek Sanitary Authority Rules and Regulations.

B. No solid waste device, such as waste grinders, disposals, potato peelers, etc. shall discharge through the grease trap or grease interceptor. Only potential grease laden fixtures may discharge through the trap or interceptor.

**SECTION 6. MAINTNANCE OF GREASE TRAPS AND INTERCEPTORS.**

A. All grease interceptors and grease traps shall be maintained and kept in good working order at all times. The interceptor or trap shall limit the amount of grease discharged into the public sewer system to levels not exceeding those permitted by the Pigeon Creek Sanitary Authority. Oil/grease discharges shall not exceed 100 ppm downstream of the interceptor or trap.

B. It shall be the duty and responsibility of any owner, lessee or agent of any restaurant or food preparation facility to, at a minimum of, quarterly inspect the grease interceptor or trap. A written record shall be kept of all inspections. The inspection record shall, at a minimum, list the name (inspector and company), address, phone number of the inspection/disposal company, the method and frequency of cleaning schedule and the date of the cleaning/inspection. Such records shall be presented to the Authority upon request. A more frequent cleaning/inspection schedule may be ordered to be performed by the facility when it is determined by the Authority that the facility is discharging excessive amounts of grease to the public sewer system.

C. Pigeon Creek Sanitary Authority has the authorization to request random sampling for the testing of grease traps or interceptors in restaurants and food preparation facilities.

Said testing shall require the grease trap or interceptor samples to be sent to a laboratory. It shall be the responsibility of any owner, lessee or any agent of any restaurant or food preparation facility who fails the laboratory analysis involved with the grease trap or interceptor testing to pay the administrative costs that the Authority incurred as a result of said test. Said administrative costs shall be in addition to any other fines or penalties that may be assessed in accordance with this ordinance.

**SECTION 7. VIOLATIONS AND PENALTIES.**

A. Whosoever violates any of the provisions of this ordinance, shall, upon conviction thereof, be sentenced to pay a fine of up to $1,000.00 for each offense plus the costs of prosecution and, in default of payment of such fine and costs of prosecution shall be imprisoned for a period not exceeding thirty (30) days. Each day that a violation continues shall be deemed a separate offense.

B. Whosoever violates any of the provisions of this ordinance shall cease to discharge or infiltrate or permit the discharge or infiltration of the violating materials and substances upon receiving thirty (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, the Authority may proceed to have the violating system disconnected and the costs thereof, together with a penalty of ten percent (10%) additional thereto, shall be collected from the violator in the manner now provided by law. In addition to the penalties provided above, the Authority shall have the right, upon proper notification, to cause water service to the offending premises terminated, pursuant to its agreement with the Bentleyville Municipal Authority.

C. Whosoever fails the laboratory analysis involved with the grease-trap testing shall pay the administrative fees within thirty (30) days of notice. Any fees not paid within thirty (30) days may initiate legal action for collection.

**SECTION 8. RIGHT OF ENTRY AND INSPECTION OF PREMISES**.

A. In the discharge of duties, Bentleyville Borough Code Enforcement Officer, Pigeon Creek Sanitary Authority personnel or authorized representative(s) shall have the authority to enter, at any reasonable hour, any restaurant or food preparation facility in the jurisdiction to enforce the provisions of this ordinance.

B. The Bentleyville Borough Code Enforcement Officer may cooperate or delegate his or her authority to the appropriate official of the Pigeon Creek Sanitary Authority with regard to the enforcement of this ordinance or any ordinance or regulation relating to the subject matter of the within ordinance.

**SECTION 9. REPEALER.**

All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

**ORDAINED AND ENACTED INTO LAW** by the Council of Bentleyville Borough, Washington County, Pennsylvania, this _____ day of _____ , 2007.

**BOROUGH OF BENTLEYVILLE**

By: _____
Lena Greenfield, President

ATTEST:

(SEAL)

_____
Sheryl M. Hreha, Secretary

EXAMINED and APPROVED the day and year as set forth above.

By: _____
Thomas Brown, Mayor