

ORDINANCE NO. 1402

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADDING
CHAPTER 17.40 TO THE LAGUNA BEACH MUNICIPAL CODE AND
AMENDING SECTION 17.08.050(a) OF THE LAGUNA BEACH
MUNICIPAL CODE RELATING TO GREASE CONTROL**

The City Council of the City of Laguna Beach does hereby ORDAIN as follows:

SECTION 1: Chapter 17.40 is hereby added to the Laguna Beach Municipal Code, to read in its entirety as follows:

Chapter 17.40

GREASE CONTROL

Sections:

- 17.40.010 Purpose and intent.
- 17.40.020 Definitions.
- 17.40.030 Grease interceptors.
- 17.40.040 Food grinders prohibited.
- 17.40.050 Grease interceptor design and maintenance requirements.
- 17.40.060 Best management practices.
- 17.40.070 Violations for penalties; enforcement.

17.40.010 Purpose and intent.

(a) It is the purpose and intent of this chapter to establish regulations for the disposal of grease and other insoluble waste discharges from food service establishments within the City.

(b) The City Council, in enacting the ordinance codified in this chapter, intends to provide for the maximum beneficial public use of the City's sewer system, to prevent blockages of that system and the accidental discharge of wastewater into the storm drain system or the Pacific Ocean, to ensure the cost of maintaining the City's sewer system is equitably distributed amongst users, to clarify grease disposal requirements for existing food service establishments, and to promote public health and safety.

(c) In the event of any conflict or inconsistency between the provisions of this chapter and the provisions of the Uniform Plumbing Code as adopted by Chapter 14.64 of the Municipal Code, the provisions of this chapter shall govern.

17.40.020 Definitions. As used in this chapter, the following terms are defined:

(a) “Administrative Authority” shall mean the Public Works Director, the Building Official or any other official(s) as designated by the City Manager.

(b) “Authorized Inspector” shall mean an inspector so designated by the Administrative Authority.

(c) “Director” shall mean the Public Works Director or other official as designated by the City Manager.

(d) “Food grinder” shall mean any device installed for the purpose of disposing food waste in the public sewer system.

(e) “Food service establishment” shall mean any food preparation establishment, restaurant, cafeteria, or any other establishment preparing food for consumption. Domestic homes are not considered food service establishments under this definition.

(f) “Grease” shall mean grease, or fatty or oily substances and other insoluble waste that turns or may turn viscous or solidifies with a change in temperature or other conditions.

(h) “Grease interceptor” shall mean an underground multi-compartment device installed outside a food service establishment of a size and design in compliance with the Uniform Plumbing Code and approved by the City. A minimum capacity of 750 gallons shall be required unless a variance therefrom is approved by the Administrative Authority.

(i) “Grease removal facility” shall mean any grease interceptor, trap, drain, screen, or similar device that is designed or installed to reduce the amount of grease entering the wastewater system.

17.40.030 Grease interceptors.

Grease interceptors that are properly sized and constructed shall be required prior to commencing business for all new food service establishments determined by the Director to generate grease in quantities greater than that commonly found in domestic sewage.

17.40.040 Food grinders prohibited.

(a) Food grinders shall be removed from all existing food service establishments by December 1, 2002.

(b) After December 1, 2002, food grinders shall be prohibited in all new food service establishments.

17.40.050 Grease interceptor design and maintenance requirements.

(a) General provisions.

(1) The installation of a proper interceptor shall be the responsibility of the user who applies for the connection and the user whose operations cause or contribute to the necessity for an interceptor.

(2) Interceptors shall be installed, utilized, and properly maintained for continuous and efficient operation at all times and at the expense of the user.

(3) The Administrative Authority shall approve the type, capacity and construction of all interceptors in writing prior to installation.

(4) A common interceptor shared by multiple businesses can be utilized if specifically authorized by the Director and upon evidence of legal operating and maintenance agreements between the involved property owners.

(5) Interceptors no longer in use shall be abandoned in accordance with the Uniform Plumbing Code.

(b) Design.

(1) Interceptors for food service establishments shall be sized and designed in compliance with the Uniform Plumbing Code, unless otherwise specified herein.

(2) Other factors that may influence the design include, but shall not be limited to the following:

(a) The type of facility (such as a restaurant, bakery, food processing factory, etc.).

(b) The volume of the user's business or operation (such as number of meals served, number of seats, hours of operation, etc.).

(c) The peak flow of process wastewater discharged to the collection system.

(d) Size and nature of facilities (including kitchen facilities) based on size, type, number of fixtures, and type of processing or cooking equipment used.

(e) The type of service provided or operation undertaken (such as dine-in meal service versus carry-out meal service).

(f) The type of foods or other materials used in cooking, processing or manufacturing operations conducted within the facility.

(g) The overall potential for grease-laden discharges.

(h) The existence of devices, procedures or processes designed to minimize the amount of fats, oil or grease from entering the collection system.

(i) The location of the facility, if it is located in a known problem area.

(j) Any prior problems with the facility, such as blockages, violations, etc.

(3) All interceptors shall be certified by the International Association of Plumbing and Mechanical Officers, or another listing agency approved by the Director, and be plumbed according to the Uniform Plumbing Code.

(4) All grease interceptors shall include an effluent sample box of a type and size approved by the Administrative Authority.

(5) Inspection by the Administrative Authority, or an Authorized Inspector, of installed interceptors and piping prior to backfilling is required. Piping shall meet the requirements of the Uniform Plumbing Code.

(6) Interceptors shall have a sanitary tee located inside the sample box on the discharge side of the sample box.

(7) Interceptors shall have a cleanout installed after the sample box on the private lateral and at intervals required by the Uniform Plumbing Code.

(8) All manholes and sample boxes to be installed a minimum of one-half inch above the finished grade with a concrete collar a minimum of 18" around the manhole and sample box lids.

(c) Interceptor maintenance.

(1) Any user who is required by the Director or this ordinance to install or operate an interceptor shall be required to adequately maintain the interceptor at the users expense, so that the interceptor is in proper working order at all times. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, sludge and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or into any other interceptor, for the purpose of reducing the volume to be hauled is prohibited.

(2) Grease interceptors shall be cleaned out completely by a permitted waste hauler as necessary to assure that the interceptor will operate as designed at all times or as otherwise specified by the Administrative Authority.

(3) The use of additives, directly or indirectly to the plumbing or sewer system, to emulsify grease and/or oil is specifically prohibited.

(4) The use of biological additives as a supplement to interceptor maintenance, including the addition of micro-organisms, may be authorized by the Director and approval shall be obtained in writing prior to the use of such additives.

(5) A maintenance log indicating each pumping of an interceptor for the previous twelve (12) months and any other pertinent information shall be maintained by each establishment. This log shall include, but not limited to, date, time, amount pumped, hauler, and disposal site, and the

log shall be kept in a conspicuous location for inspection by the Administrative Authority or an Authorized Inspector during normal business hours.

(6) All users must sign a waste manifest form before having a waste load transported by a permitted hauler. The user shall also keep copies of the manifest form for a period of at least three (3) years, and make all manifest records available for inspection by the Administrative Authority during normal business hours.

(7) All waste removed from an interceptor must be disposed at a facility permitted by the County of Orange or applicable regulatory agencies to receive such waste. The pumpage shall not be returned to the public sewer system or manhole, any private wastewater system or storm drains.

(8) All interceptors shall be located as to be readily and easily accessible for cleaning, inspection and removal of intercepted waste.

(9) Any fixture connected to a grease interceptor shall have a non-removable, secured food strainer of such integrity to withstand daily operational usage.

(d) Required connections to interceptors: all three-compartment sinks, scullery (preparation) sinks, floor drains, and mop sinks along a cook line, pre-wash sinks at dishwashing stations, and all other fixtures that contribute grease into the wastewater system shall be connected to an interceptor.

(e) Prohibited connections or additives to interceptors.

(1) Final rinse discharge from automatic dishwashers shall not be connected to the interceptor.

(2) The use of any additive, such as enzymes, surfactants or chemicals shall not be connected to any type of interceptor. Chemical additives, such as chlorinated solvents, or any other additives that causes the emulsification of grease, are strictly prohibited from use in any type of interceptor.

(f) Plan review.

(1) Applicants or users shall be required to submit copies of detailed facility proposed interceptors, pretreatment facilities, spill containment

facilities, and operating procedures, to the Community Development Department. Facility plans shall also include site plans, floor plans, mechanical and plumbing plans, and details to show all wastewater plumbing, spill containment, and appurtenances by size, location, and elevation. The review of the plans and procedures shall in no way relieve the user of the responsibility of modifying the facilities or discharge, and to meet the requirements of this chapter or any requirements of other regulatory agencies.

(2) All submitted drawings shall be prepared by a licensed and registered professional engineer. Any false information or misleading calculations submitted shall be the responsibility of the user.

(3) The design, location and procedures for operation and maintenance of a required interceptor shall be approved by the Administrative Authority. Such approval shall be obtained prior to the user's connection of the facility to the public wastewater system.

(4) No food service establishment or other identified user shall be constructed except according to plans and specifications approved by the Administrative Authority.

(5) Approved plans and specifications shall not be changed or altered without written approval by the Administrative Authority.

17.40.060 Best management practices.

(a) Drain screens.

(1) Drain screens shall be installed on all drainage pipes in food preparation areas for existing food service establishments by December 1, 2002.

(2) After December 1, 2002, drain screens shall be installed on all drainage pipes in food preparation areas for all new food service establishments deemed by the Director to generate grease.

(b) Waste cooking oil.

(1) All waste cooking oil shall be collected and stored properly in recycling barrels or drums.

(2) Such recycling barrels or drums shall be maintained appropriately to ensure they do no leak.

(3) Licensed haulers or an approved recycling facility must be used to dispose of waste cooking oil.

(c) Food waste. All food waste shall be placed in enclosed plastic bags and disposed of directly into the trash or garbage, and not in sinks.

(d) Employee training.

(1) Employees of the food service establishment shall be trained by January 1, 2003, and twice each calendar year thereafter, on the following subjects:

(A) How to "dry wipe" pots, pans, dishware and work areas before washing to remove grease.

(B) How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.

(C) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.

(D) How to properly dispose of grease or oils from cooking equipment into a grease barrel or drum without spilling.

(2) Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices.

(3) Training records shall be available for review at any reasonable time by the Authorized Inspector.

(e) Kitchen exhaust filters shall be cleaned as frequently as necessary to be maintained in good operating condition, but in no event less than one time per month.

(f) All best management practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

17.40.062 Right of Inspection

(a) Food service establishments shall be open and available for inspection by an Authorized Inspector at all times during normal business hours to ensure that the operation and maintenance of the food service establishment complies with the requirements of this Chapter.

17.40.070 Violations for penalties; enforcement.

(a) Violations of this chapter may result in fines and/or penalties.

(b) Failure to comply with the provisions of this chapter may result in one or more of the following:

(1) Notices of non-compliance may be issued with a specified period for correction.

(2) Administrative citations may be issued for violations in the amounts and manner set forth in Chapter 1.15 of the Municipal Code.

(3) A misdemeanor complaint may be filed in accordance with Chapter 1.04 of the Municipal Code.

(4) Sewer service may be disconnected as described in section 17.16.060 of the Municipal Code.

(c) Appeals of fines, penalties or requirements to install grease interceptors.

(1) Appeals of fines, penalties, or other corrective actions shall be submitted to the City Manager within thirty (30) days after the food service establishment has been notified of the penalty and/or corrective actions. The decision of the City Manager shall be in writing.

(2) The decision of the City Manager can be appealed to the City Council by submitting a written request to the City Clerk within fifteen (15) days of the issuance of the City Manager's decision, and payment of the appropriate fee, as set by resolution of the City Council.

(3) Upon appeal, the appellant shall, upon written request to the City Manager, be provided within fifteen (15) days of said request, at

reasonable cost to the appellant, copies of all reports, data or other documentary evidence upon which the citation is based.

SECTION 2: Section 17.08.050(a) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(a) Every interceptor shall be of proper design and of an adequate size to prevent sand, silt, grit, mineral material, petroleum solvent, grease or oil from entering the sewer. The size and design shall be as approved by the city engineer. Grease control interceptors for food service establishments also shall be subject to the requirements of Chapter 17.40.

SECTION 3: This Ordinance is exempt from compliance with the California Environmental Quality Act pursuant to Section 15061(3) of the State CEQA Guidelines.

SECTION 4: This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and sections thereof inconsistent herewith hereby shall be repealed to the extent of such inconsistency and no further.

SECTION 5: If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Ordinance or any of the remaining portions hereof. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 6: The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective on the expiration of thirty (30) days from and after the date of its adoption.

SECTION 7: This Ordinance shall apply to any plans submitted to the Community Development Department and deemed complete by staff after the effective date of this Ordinance.

Adopted this 1st day of October, 2002.