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ORDINANCE NO. 59

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, AMENDING ORDINANCE NO. 20 OF SAID DISTRICT; REPEALING ALL MOTIONS, RESOLUTIONS AND ORDINANCES OF SAID DISTRICT INCONSISTANT HEREWITH TO THE EXTENT OF SUCH INCONSISTENCY.

SECTION 1: The Board of Directors hereby finds and declares as follows:

A. Commercial kitchens produce grease as a by-product of their operations, which, if not properly disposed of, creates the potential for blockage of District sewer lines, resulting in damage to both public and private property, and spillage that has the potential to damage water quality in Orange County.

B. The current edition of the Uniform Plumbing Code requires new commercial kitchens that have the potential to produce a significant amount of grease to have grease control devices. The Midway City Sanitary District has a large number of commercial kitchens that commenced operation prior to the adoption of current codes and which do not have grease control devices. These commercial kitchens require the District to do additional preventive maintenance on sewer lines as well as respond to and clean up blockages and spillage's caused by improper grease disposal. However, the District Board of Directors does not wish to impose cost-prohibitive new grease disposal requirements on existing commercial kitchens rather, that these establishments come into compliance with then current codes when substantial improvements are made or a change in operations occurs with participation in the District's cost of preventative maintenance until such time as they comply with current codes.

C. Residential, industrial and office uses, discharges substantially smaller quantities of grease into the District sewer system than commercial kitchens. The provisions of this chapter are not properly applied to those uses since they do not cause frequent blockages of require additional preventative maintenance of sewer lines.

SECTION 2: Intent and Purpose

It is the intent of this section to establish regulation for the disposal of grease and other insoluble waste discharges from commercial kitchens within the District. The District Board of Directors, in enacting the ordinance, intends to provide for the maximum beneficial public use of the Districts sewer system, to prevent blockages of that system and accidental discharge of grease, to ensure the cost of maintaining the public sewer system is equitably distributed amongst users, to clarify grease disposal requirements for existing commercial kitchens, and to promote public health and safety.

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SECTION 4: Food Grinders Prohibited

The installation and use of food grinders shall be prohibited in all new commercial kitchens in new or existing buildings, in all existing commercial kitchens undergoing remodeling, and in all existing food preparation and service establishments undergoing remodeling or a change in operations such that they would become a commercial kitchen.

SECTION 5: Grease Control Device Required

A. All commercial kitchens shall have grease control devices as required by the Uniform Plumbing Code, or shall otherwise comply with the provisions of this Section.

B. New commercial kitchens in new or existing buildings shall have grease control devices as required by the Uniform Plumbing Code.

C. Existing commercial kitchens undergoing remodeling or a change in operations shall have grease control devices as required by the Uniform Plumbing Code.

D. Existing food preparation and service establishments and commercial kitchens undergoing remodeling or a change in operations shall have grease control devices as required by the Uniform Plumbing Code.

E. The District General Manager shall not approve the issuance of a Certificate of Occupancy for a commercial kitchen, which is required to have a grease control device until such device has been installed and inspected and approved by the District's Inspector.

SECTION 6: Exceptions - Grease Disposal License

A. Commercial kitchens and food preparation and service establishments that would become commercial kitchens upon completion of remodeling or a change in operations may obtain a grease disposal license in lieu of installing a grease control device upon a determination by the General Manager that there are physical limitations to a property that make the installation of a grease control device infeasible or contrary to other laws.

B. A grease disposal license shall require that payment of an annual fee to defray a portion of the District's costs of maintaining the sewer system free of grease and resultant blockages. This fee shall be established by resolution of the Board of Directors, and shall be limited to the incremental increase in the cost of preventive maintenance attributable to the licensee. The General Manager shall not approve the issuance of a Certificate of Occupancy for any commercial kitchen that obtains a grease disposal license until the first annual fee has been paid to the District.

1 C. Persons seeking a Grease Disposal License shall complete and file with the
2 General Manager an application on the form prescribed by the District. Applications
3 shall be accepted only from the owner or operator of the commercial kitchen or food
4 preparation and service establishment; The application shall be accompanied by the
5 applicable fee. The applicant shall provide the following information:

- 6 1. Name and address of applicant;
- 7 2. Address of premises for which the license is requested;
- 8 3. Site plan showing property lines, easements, structures, and any other
9 features that limit the installation of a grease control device;
- 10 4. Description of food processing, type and number of meals to be served,
11 cleanup procedures, size of kitchen, and dining room capacity;
- 12 5. List of kitchen appliances, fixtures and ventilating equipment;
- 13 6. Volume and type of wastewater to be discharged; and
- 14 7. Any other information deemed necessary by the Building Director to evaluate
15 the application.

16 D. A Grease Disposal License shall be valid for one-year, and shall be
17 automatically renewed, provided;

- 18 1. There has been no remodeling of the premises, or change in operations; and
- 19 2. The Licensee has not violated this Chapter, the Uniform Plumbing Code, or
20 other laws during the previous year; and
- 21 3. The annual in-lieu fee is paid.

22 **SECTION 7: Appeals**

23 Any decision of the General Manager; pursuant to this Section may be appealed by
24 any interested party to the District Board of Director's.

25 **SECTION 8: Maintenance Requirements**

26 A. Each commercial kitchen with a grease control device shall be required to
employ an appropriate service or procedure for periodic collection of accumulated
grease from any grease control device. The collection period shall be as set forth in
the plumbing permit for the grease control device, but in no case more than three (3)
month intervals. No accumulated grease shall be introduced into any sewer lateral,
public sewer, storm drain, or public way.

B. Each commercial kitchen with a grease control device shall be required to
keep records of cleaning, maintenance and grease removal.

C. Each commercial kitchen with a grease control device shall allow District
representatives access to the premises, by appointment during normal business
hours, for purposes of sampling, inspections and review of records relating to the
plumbing permit.

1 **SECTION 9: Violations**

2 A. The owner and operator of a commercial kitchen shall be in violation of this
3 Section if he or she;

- 4 1. Fails to install a grease control device as required by the Uniform Plumbing
5 section;
6 2. Fails to obtain a Grease Disposal License as required by this Section;
7 3. Makes any false statement, representation, record, report, plan or other
8 document filed with the General Manager;
9 4. Tampers with or knowingly renders inoperable any grease control device required
10 under this Section;
11 5. Fails to fulfill maintenance, cleaning and record-keeping requirements as required
12 by permit and the Section; or
13 6. Refuses District representatives reasonable access to a commercial kitchen for
14 the purposes of inspecting or monitoring.

15 B. Any willful failure to comply with a provision of this Section shall constitute a
16 violation, regardless of whether the failure to comply is caused by the
17 permittee/licensee or an employee or agent of the permittee/licensee.

18 C. Where the failure to comply is continuing and intentional, each successive failure
19 to comply shall be a separate and distinct violation.

20 **SECTION 10: Penalties for Violation**

21 If any section, subsection, sentence, clause or phrase of this ordinance is, for any
22 reason, held to be invalid or unconstitutional, such decision shall not affect the
23 validity or constitutionality of the remaining portions of this ordinance. The district
24 Board of Directors hereby declares that it would have passed this ordinance, and
25 each section, subsection, sentence, clause or phrase hereof, irrespective of the fact
26 that any one or more sections, subsections, sentences, clauses and phrases may be
 declared unconstitutional.

SECTION 11:

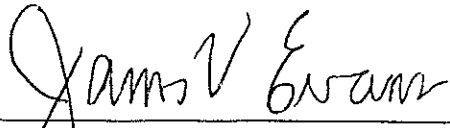
 The District President shall sign and the District Secretary shall attest to the passage
 of this Ordinance. The District Secretary shall cause the same to be published once in
 the official newspaper within fifteen (15) days after its adoption.

 This Ordinance was introduced at a regular meeting of the Board of Directors of the
 Midway City Sanitary District held on the 4TH day of the month of January, 2000 by
 the following vote to wit:

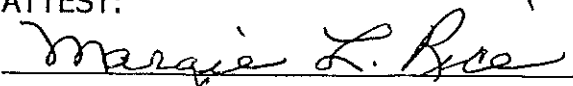
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AYES: DIRECTORS EPPERSON, EVANS, NEUGEBAUER, PARIS AND RICE

NOES: DIRECTORS NONE



James V. Evans, Board President

ATTEST:


Margie L. Rice, Secretary

CERTIFICATION

I, Margie L. Rice, Secretary of the Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing Ordinance No. 59 was duly adopted at a meeting of the Board of Directors of said District, held on the 4th day of January, 2000, by the following vote of the members of the Board:

AYES: Directors Epperson, Evans, Neugebauer, Paris and Rice

NOES: None

ABSENT: None

and I further certify that James V. Evans, as President and Margie L. Rice, as Secretary, signed and approved said Ordinance on the 4th day of January, 2000.

Margie L. Rice
Secretary

(District Seal)

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss.

I, Margie L. Rice, Secretary of Midway City Sanitary District of Orange County, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 59, passed and adopted by the Board of Directors of said District at a meeting thereof held on the 4th day of January, 2000.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal of said District this 4th day of January, 2000.

Margie L. Rice
Secretary

(District Seal)