

ORDINANCE NO. G-1118

AN ORDINANCE RELATING TO GREASE (FATS, OIL AND GREASE) MANAGEMENT REGULATION WITHIN THE SANITARY SEWER SYSTEM IN THE CITY OF JUNCTION CITY, KANSAS BY REPEALING SECTION 705.130, ENTITLED "GREASE, OIL, AND SAND INTERCEPTORS – WHEN," OF ARTICLE I "PUBLIC AND PRIVATE SEWERS-GENERAL PROVISIONS," OF CHAPTER 705 "SEWERS," OF TITLE VII "UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS; AND BY ADDING TO CHAPTER 705 A NEW ARTICLE III ENTITLED "GREASE MANAGEMENT PROGRAM" CONTAINING NEW SECTIONS 705.310 THROUGH 705.370.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. Section 705.130 of Article I of Chapter 705 of Title VII of the Code of Ordinances the City of Junction City, Kansas is hereby repealed.

Section 2. A new Article III, Sections 705.310 through 705.370, is hereby added to Article I of Chapter 705 of Title VII of the Code of Ordinances of the City of Junction City, Kansas to read as follows:

ARTICLE III. GREASE MANAGEMENT PROGRAM

SECTION 705.310: DEFINITIONS

For purposes of this Article, the following words or terms shall have the meanings given herein:

AUTOMATIC GREASE REMOVAL DEVICE: A plumbing appurtenance that is installed in a sanitary drainage system to intercept free-flowing fats, oils and grease from wastewater discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils, and grease automatically without intervention from the user, except for maintenance.

FACILITIES: Including, but not limited to, any building, structure, sewer lines, sewer mains, vaults, appliances, attachments, equipment, structures, manholes, and other like equipment, fixtures and appurtenances used in connection with transmitting, supplying or furnishing sanitary sewage services,

GREASE INTERCEPTOR: A plumbing appurtenance that is installed in a sanitary drainage system to intercept oily and greasy wastes from a wastewater discharge. Such device has the ability to intercept free-flowing fats and oils.

GREASE-LADEN WASTE: Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats, and oils enter automatic dishwasher pre-rinse stations, sinks or other appurtenances.

**SECTION 705.320: GREASE DISCHARGE PERMIT REQUIRED;
APPLICATION, TERM AND FEE.**

- (a) It shall be unlawful for any person to operate a facility in which grease-laden waste is produced without obtaining a valid grease discharge permit for the facility. Provided that, "facility" shall not include any individual dwelling unit as such term is defined by the latest adopted building code of the City.
- (b) The owner, manager, or agent of a facility shall make written application to the Director of Public Works, or his designee, on the form furnished by the City. The application shall be accompanied by the appropriate fee. Permits issued pursuant to this Article are nontransferable. A new permit application and fee shall be required for each change of ownership of a licensed facility.
- (c) The owner, manager or agent of a facility subject to this permit, existing as of December 31, 2012, must submit a complete application and the permit fee prior to June 1, 2013. The person shall be deemed to be licensed while the application is pending, until such license is denied. The owner, manager or agent of a facility subject to this permit, that comes into existence after June 1, 2013, must submit such complete application and registration fee prior to producing any grease-laden waste at the facility.
- (d) The term of the permit shall be from January 1 through December 31 of each calendar year. Permit fees shall not be pro-rated for permits in effect for less than the full calendar year.
- (e) The Director of Public Works, or his designee, shall issue or renew a permit for a facility that complies with the terms of this Article. The Director of Public Works may modify the terms and conditions of any permit, in order to protect the sanitary sewer system. The permit holder shall receive at least 30 days notice of such modification, except in the event of an emergency.
- (f) The permit fee shall be as adopted by the City Commission for each grease interceptor and automatic grease removal device used at a facility. The permit fee shall be doubled if the permit is not obtained or renewed, or the fee is not paid, within 30 days of when the permit or fee is required.

SECTION 705.330: CONDITIONS OF THE GREASE DISCHARGE PERMIT.

Each facility with a grease discharge permit is subject to the following requirements, and such requirements shall apply to the issuance, and the continued validity, of such permit:

- (a) Each facility shall install and maintain grease interceptors or automatic grease removal devices as required by the latest adopted plumbing code of the City. If the facility's existing grease interceptors or automatic grease removal devices are not adequately sized for the facility's activities, the facility shall replace the devices to meet the requirements of the latest adopted plumbing code of the City.
- (b) The permit holder shall maintain, and shall require all employees, agents, and other representatives to maintain, the grease interceptors and automatic grease removal devices in accordance with the requirements of Section 705.320.
- (c) The permit holder shall allow the facility to be inspected by the City, and the permit holder shall make the grease interceptors and automatic grease removal devices accessible and exposed for inspection purposes, in connection with the issuance or renewal of a grease discharge permit, or at any reasonable time, without prior notice, to confirm the permit holder's compliance with this Article. Such inspections may include measuring, testing, or sampling.

SECTION 705.340: MAINTENANCE OF GREASE INTERCEPTORS AND DEVICES; BEST MANAGEMENT PRACTICES; INSPECTION.

- (a) It shall be unlawful for any person to discharge grease-laden waste into the sanitary sewer collection system. It shall be unlawful for the permit holder to direct or allow any person to discharge grease-laden waste into the sanitary sewer collection system.
- (b) The grease interceptors and automatic grease removal devices shall be maintained to ensure that they operate continually, effectively, and as designed.
- (c) If grease-laden waste spills onto the public right-of-way, parking area, driveway, or other location that may cause run-off into the stormwater management system, the spill shall be immediately cleaned-up in a manner that complies with State and Federal guidelines. The permit holder shall notify the Director of Public works, or his designee, that such spill occurred by the next business day. If the permit holder fails to clean the spill, to the City's satisfaction, then the spill constitutes, and shall be treated as, a nuisance pursuant to Chapter 235 of the City Code.

- (d) The permit holder shall have all grease interceptors and automatic grease removal devices inspected by a city-licensed plumber annually. The results of the inspection shall be reported on a form produced by the City and shall be submitted to the City within fifteen (15) days of the inspection date. If the licensed plumber notes deficiencies in a grease interceptor or automatic grease removal device, the permit holder shall make necessary repairs to ensure compliance with this Article within thirty (30) days of the date of the inspection, unless an extension is approved by the Director of Public Works. The permit holder shall provide documentation of such repairs to the Director of Public Works, and allow inspections thereof, within fifteen (15) days of the completion of the repairs. If the permit holder fails to meet the reporting deadlines, the permit holder shall owe and pay a late fee as adopted by the City Commission for these provisions.

SECTION 705.350: DENIAL, SUSPENSION, OR REVOCATION OF PERMIT.

- (a) The Director of Public Works may deny, revoke, or suspend a license for any of the following reasons:
- (1) Failure to submit a complete application or pay any fees;
 - (2) Fraud, misrepresentation, or false statement in the permit application or inspection and repair records; or,
 - (3) Failure to comply with any of the provisions of this Article or City ordinance.
- (b) Such denial, revocation, or suspension shall not become effective until the applicant/permit holder has been served with a notice of such. The notice shall state the reason for noncompliance and include a time period for the applicant/permit holder to comply. Service may be accomplished by personal service, service by restricted mail showing the date and to whom the mail was delivered, or by regular mail if restricted mail has been refused by the addressee. Service by personal service or by restricted mail shall be deemed complete as of the date of such service. Service by regular mail shall be deemed complete three (3) days after the City has placed the notice in the U.S. mail. Such notice shall inform the applicant/permit holder of the action taken and shall notify the person of the right to appeal, pursuant to section 705.360. Such action shall be effective upon the seventh day following service upon the applicant/permit holder, unless an appeal is filed. If an appeal is filed, such action shall be stayed until the final written decision on the appeal is rendered.
- (c) In any suspension of the license, the director of public works may place such conditions upon the suspension as it deems advisable, including the

continued production of grease-laden waste under the stated provisions. Any conditions of the suspension shall be set forth in the notice.

SECTION 705.360: EMERGENCY SUSPENSION

The Director of Public Works may immediately suspend the wastewater treatment service when, in the option of the Director, such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the public health, safety and welfare, or to prevent interference with, or a threat to, the sanitary sewer collection system. If the person notified of such suspension fails to comply with the order, the Director may take steps necessary to block or sever the connection to the sanitary sewer collection system. The person may file a written appeal to such order with the City Commission, of the order being made. The service shall remain suspended during the appeal period. Service shall be re-stated when the condition causing the threat is corrected, or if the person successfully appeals the Director's order.

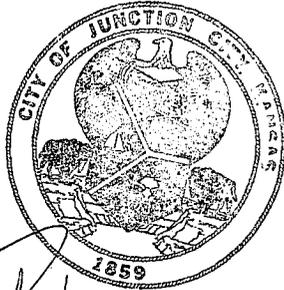
SECTION 705.370: PENALTY

Failure to comply with the provisions of this Article by any person or entity shall be deemed a public offense, punishable by up to \$500.00 per violation, per day. Each day a violation of this Article occurs shall constitute a separate public offense. Any penalty imposed by this provision shall be in addition to any other remedy at law or equity available to the City arising out of applicant's activities in the public right-of-way.

SECTIONS 705.380 – 705.390 RESERVED

This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS 10th DAY OF November, 2012.



Pat Landes

PAT LANDES, MAYOR

ATTEST:

Tyler Ficken

TYLER FICKEN, CITY CLERK