



City of Rowlett

Official Copy

Ordinance: ORD-017-15

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AMENDING SUBDIVISION III (“DISCHARGE REGULATIONS”) OF DIVISION 3 (“INDUSTRIAL WASTES”) OF ARTICLE III (“SANITARY SEWER SYSTEM”) OF CHAPTER 70 (“UTILITIES”) OF THE CODE OF ORDINANCES OF THE CITY OF ROWLETT, TEXAS, TO ADD NEW SECTIONS 70-230 THROUGH 70-235, PROVIDING FOR THE REGULATION OF GREASE TRAPS AT FOOD SERVICE ESTABLISHMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett has previously adopted regulations for the protection of the City’s sanitary sewer system and regulations concerning food service establishments and has adopted by reference the provisions of the Texas Food Establishment Rules promulgated by the Texas Department of State Health Services and the International Plumbing Code; and

WHEREAS, given the imminence of commercial growth, which will include private restaurants, cafeterias, and other food service establishments, a public need exists to insure the proper and safe use of grease interceptors and the proper disposal of grease trap waste; and

WHEREAS, the City Council desires to supplement its existing regulations as they pertain to grease separators, interceptors and traps and the disposal of waste produced thereby.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

SECTION 1. That Division 3 “Industrial Wastes” of Article III “Sanitary Sewer System” of Chapter 70 “Utilities” of the Code of Ordinances of the City of Rowlett, Texas, be and is hereby amended to add a new subdivision IV, entitled “Grease Interceptors,” and to add sections 70-230 and 70-235 to subdivision IV, said subdivision IV to read as follows:

**“CHAPTER 70
UTILITIES**

...

**ARTICLE III
SANITARY SEWER SYSTEM**

...

DIVISION 3. – INDUSTRIAL WASTES

...

Subdivision IV. Grease Interceptors

Sec. 70-230. General standards.

(a) The provisions of this subdivision shall apply to new and existing establishments, businesses, institutions, industrial users and any building, structure, facility or installation (collectively referred to in this subdivision as "Establishments") from which there is or may be a recurring discharge of fats, oils, or greases of animal or vegetable origin into the City's sanitary sewer system in excess of normal household discharge. This subdivision is not intended to repeal any provision of subdivision III ("Discharge Regulations") of this article and, to the extent that any provision of subdivision III may conflict or be inconsistent with any provision of this subdivision, the more stringent provision shall apply.

(b) All Establishments shall use a grease interceptor or trap for every pre-sewer connection so as to prevent the discharge of fats, oils and greases into the sanitary sewer system. The grease trap shall be of a design approved by the City and shall be installed and used in compliance with this subdivision, the manufacturer's specifications, the provisions of the International Plumbing Code, as adopted and amended by the City, the food establishment rules applicable in the City, and all other applicable ordinances, codes and regulations.

(c) A grease trap shall be of adequate size and design to accommodate the discharge from the Establishment at peak operating times. The minimum requirements for grease interceptors are as follows:

1. All Establishments shall install and use grease interceptors according to the following requirements:
 - a. All grease interceptors shall be located below grade on the exterior of the facility; provided, however, that indoor grease interceptors may be approved by the City.
 - b. Establishments with four fixtures or less shall have a minimum of a 250-pound capacity grease interceptor.
 - c. Establishments with more than four fixtures shall have a minimum of a 750-pound capacity grease interceptor.
 - d. The following items are considered a fixture:
 - i. each utensil sink (a three or four compartment utensil sink).
 - ii. each food preparation sink.
 - iii. each dishwasher.
 - iv. each mop sink.
 - v. all floor drains will be considered as one fixture.
 - vi. all hand sinks will be considered as one fixture.
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- e. Non-grease producing fixtures shall not be included in calculating fixture numbers (for example, items such as ice machine condensate, dipping wells, and hand sinks in restrooms).
 - f. All grease-bearing waste streams must be routed through an appropriate grease interceptor, including but not limited to three-compartment sinks, pot/pan sinks, soup kettles, kitchen-area hand-washing sinks, dishwashers, mop sinks and floor drains. Drains that receive "clear waste" only, such as from ice machines or condensate from coils and drink stations, may be plumbed to the sanitary sewer system without passing through the grease interceptor so long as the receiving drain is a "hub" type that is a minimum of two inches above the finished floor.
 - g. Grease interceptors shall be constructed with a minimum of two chambers, installed at a minimum distance of 10 feet from sinks and dishwashers to allow for adequate cooling of the wastewater. Water and wastewater temperatures must be less than 120 degrees prior to entering the grease interceptor. All grease interceptors must be installed with an Effluent Sampling Well.
2. No Establishment shall use a grease interceptor with a capacity smaller than required by this section; provided, however, that the City may approve the use of a smaller capacity grease interceptor if, based on engineer-sealed plans containing drawings and flow calculations, the grease interceptor has a minimum two hour retention time, or if the nature of food preparation at the Establishment involves the preparation of non-greasy food types or products. City approval of smaller capacity interceptors may be revoked or suspended at any time if the discharge from the Establishment exceeds the capacity of the grease interceptor.
3. The City may exempt existing Establishments from the 750-pound interceptor requirement (5 or more fixtures) if:
- a.) the existing interceptor is functional and is a two-compartment interceptor with a capacity of greater than 100 pounds;
 - b.) there is no history of sewage backups, public sewer line blockages or BOD/COD violations from the Establishment;
 - c.) the anticipated meal-per-day volume or grease-produced volume is low such that the existing grease interceptor is adequate to accommodate anticipated peak time discharges; and
 - d.) the Establishment's interceptor service or pumping frequency is less than 90 days. Alternate service or pumping frequency may be authorized by the City if inspection or sample analyses support such actions. A State-licensed waste hauler must be hired for pumping and the Establishment must retain records or manifests on-site of waste hauler service for at least two years.

Sec. 70-231. Servicing of grease interceptors.

(a) Grease interceptors shall be pumped/serviced in accordance with the following requirements:

1. Grease interceptors shall be serviced (pumped, cleaned and inspected) at a regular frequency of not less than 90 days.
2. Grease interceptors shall be cleaned/pumped by a State licensed waste hauler.
3. The waste hauler must furnish the Establishment with a manifest or trip ticket, showing the identity of the hauler, the date of service and the manner or location of disposal.
4. Establishments shall retain the liquid waste trip tickets on site for a minimum of two (2) years from the date of service. Liquid waste trip tickets must be made available to the City upon request.
5. No Establishment shall allow or permit the accumulation of fats, oils, greases or other waste to be present in the second chamber of the interceptor at a depth greater than three inches, and no packed grease greater than one inch at the discharge side port.

Sec. 70-232. Existing Establishments.

(a) Establishments equipped with grease interceptors that do not meet the minimum requirements of this subdivision that were in operation on or before January 1, 2016, may continue in operation unless the City determines that the existing grease interceptor's insufficient capacity presents an unreasonable risk of sewer backups, sewer line flow restrictions, or excessive BOD/COD discharges. Such Establishments shall be required to comply with the pump/service frequency requirements imposed in this subdivision (*i.e.*, 90 days) on and after January 1, 2016, unless the City determines that the existing frequency is inadequate to avoid an unreasonable risk of sewer backups, sewer line flow restrictions, or excessive BOD/COD discharges.

(b) In the event of a determination of unreasonable risk, the Establishment may be required to install grease interceptor equipment of adequate capacity and design to accommodate peak discharges, or provide pumping service at intervals of less than 90 days.

(c) No Establishment shall have a vested right in the continuation of an inadequate grease interceptor.

Sec. 70-233. Servicing of grease interceptors.

(a) Grease interceptors shall be pumped/serviced in accordance with the following requirements:

1. Grease interceptors shall be serviced (pumped, cleaned and inspected) at regular intervals of at least once every 90 days.
 2. Grease interceptors shall be cleaned/pumped by a State licensed waste hauler.
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3. The waste hauler must furnish the Establishment with a manifest or trip ticket, showing the identity of the hauler, the date of service and the manner or location of disposal.
4. Establishments shall retain the liquid waste trip tickets on site for a minimum of two (2) years from the date of service. Liquid waste trip tickets must be made available to the city upon request.
5. No Establishment shall allow or permit the accumulation of fats, oils, greases or other waste to be present in the second chamber of the interceptor at a depth greater than three inches, and no packed or accumulated grease greater than one inch at the discharge side port.

Sec. 70-234. Permits.

(a) No separate permit to install or operate a grease interceptor shall be required, other than a building permit for the Establishment, when appropriate, and a certificate of occupancy.

(b) A building permit may be denied, or a certificate of occupancy denied, revoked or suspended, if an Establishment is in violation of any provision of this subdivision. A denial, suspension or revocation may be appealed to the City Manager if written notice of the appeal is received within twenty (20) days of the denial, suspension or revocation. The City Manager's decision shall be final and binding.

(c) The City may authorize exceptions or deviations from the requirements of this subdivision in appropriate cases where the public interest will be served and the deviation or exception will not present an unreasonable risk of sewer backups, sewer line flow restrictions, or excessive BOD/COD discharges.

Sec. 70-235. Enforcement.

(a) This subdivision shall be enforced by the City Manager or his designee.

(b) As used in this section, "person" is any person, firm or corporation that has ownership, supervision or control of an Establishment.

(c) It shall be an offense if any person is in violation of any provision of this subdivision.

(d) A person commits an offense if:

1. the person fails to comply with a cease and desist order or a repair order issued by the City.
 2. the person allows, permits or causes a discharge of fats, oils, or greases of animal or vegetable origin into the City's sanitary sewer system in excess of normal household discharge.
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3. the person causes or permits an unregistered waste hauler to pump or service a grease interceptor, or fails to maintain trip tickets in accordance with this subdivision.
4. the person impairs or refuses to permit an inspection performed by or on behalf of the City, or knowingly provides false information or conceals material facts in connection with an inspection.

(e) Any person violating any provision or term of this subdivision shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not less than one dollar (\$1) nor more than two thousand dollars (\$2,000), and each and every day such violation continues shall be a separate offense.

(f) Unless otherwise expressly provided for herein, no intent need be pleaded or proven in the prosecution of an offense under this subdivision, and any person in violation shall be strictly liable, regardless of intent.

(g) The remedies provided for in this subdivision are cumulative of each other and of any other remedy provided for or allowed by law. In addition to any other remedy allowed by law, the City may seek injunctive relief in any court of proper jurisdiction to restrain or enjoin a violation of any provision of this subdivision.”

SECTION 2. That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Rowlett, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provides.

At a meeting of the City Council on May 5, 2015 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Gallops, Deputy Mayor Pro Tem Pankratz, Councilmember van Bloemendaal, Councilmember Dana-Bashian, Councilmember Bobbitt and Councilmember Sheffield

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Approved by 
Mayor

Date May 5, 2015

Approved to form by 
City Attorney

Date May 5, 2015

Certified by 
City Secretary

Date May 5, 2015

