

PROSPECT BOROUGH

ORDINANCE NO. 2018-6

AN ORDINANCE OF THE BOROUGH OF PROSPECT, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A GREASE TRAP ORDINANCE TO AID IN PREVENTION OF SANITARY SEWER BLOCKAGES AND OBSTRUCTIONS.

WHEREAS, the Borough Council has determined that it is in the best interest of the residents of Prospect Borough to establish requirements to aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulations of fats, oils, grease and other items into the sanitary sewer system; and

WHEREAS, it is the desire of the Borough to authorize grease trap requirements consistent with the Prospect Borough Code of Ordinances, the Local Tax Enabling Act, 53 P.S. §6924.301 et seq.

SECTION 1. Title.

The text of this ordinance shall be known as the “Grease Trap Ordinance” for Prospect Borough.

SECTION 2. Definitions. The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicated otherwise.

“Abnormal Industrial Waste.” Any industrial waste having a suspended solid content or B.O.D. appreciably in excess of that normally found in sanitary sewage. For the purposes of these regulations, any industrial waste containing more than 350 milligrams per liter of suspended solids, or having a B.O.D. in excess of 300 milligrams per liter shall be considered abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing from those normally found in sanitary sewage. A determination of normal industrial waste can be adjudged by the Borough Engineer as a result of an analysis of a completed Borough Industrial Waste Questionnaire, and need not be limited to suspended solids or B.O.D.

“Borough.” The Borough of Prospect including its Council, representatives, agents, employees, and Engineer.

“Grease Interceptor.” An interceptor whose rated flow exceeds 35 gallons per minute and which is located underground, outside the building.

“Grease Trap.” An interceptor whose flow rate is 35 gallons per minute or less and which is located inside the building. “Grease Traps” shall be rated for a minimum of 22.50 gallons per minute.

“Industrial Waste.” Any solids, liquids or gaseous substances or forms of energy ejected or escaping in the course of any industrial, manufacturing, trade or business use or process or in the course of development, recovering or processing of natural resources, as distinct from but not sanitary sewage.

“Person.” Includes natural persons, partnerships, companies, societies, trusts, associations and corporations, public or private.

“Property.” Real property situate in Prospect Borough or served by the sewer system.

“Property Owner.” Any person that owns property connected to the Prospect Borough Sewer System in Prospect Borough.

“Restaurant.” Every building or room occupied or used as an eating place, or food preparation facility.

“Sanitary Sewage.” The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial and commercial establishments, exclusive of stormwater runoff, surface water or ground water.

“Sewage.” A combination of water carried wastes from residences, business buildings, institutions and industrial and commercial establishments, together with such ground, surface or stormwater as may be present.

“Sewer.” Any pipe or conduit carrying sewage.

“Sewer System.” All sanitary sewers, all pumping stations, all force mains, all sewage works, and all other sewerage facilities owned, leased and operated by the Borough for the collection, transportation and/or of sanitary sewage and industrial waste, together with their appurtenances, and any additions, extensions, or improvements thereto. It shall also include sewers within the Borough's service areas which serves one or more persons and discharges into the sewer system even though those sewers may not have been constructed by the Borough and are not owned or leased and operated by the Borough. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the sewage facilities.

SECTION 3. Limitation of Grease.

No Person shall discharge into the sewer system any sanitary sewage or industrial wastes containing more than 100 milligrams per liter by weight of fat, oil, or grease (collectively “grease”). Any single discharge in excess of this limitation shall be a single violation of this Ordinance. More than one violation may occur in a single day, depending on the amount and frequency of the grease discharge.

SECTION 4. Limitation of Abnormal Industrial Waste.

No Person shall discharge into the sewer system any abnormal industrial waste. Any single discharge in excess of this limitation shall be a single violation of this Ordinance. More than one violation may occur in a single day, depending on the amount and frequency of the abnormal industrial waste discharge.

SECTION 5. Excess of Limit.

The Borough may compel discontinuance of the use of the sewer system for discharge of such unacceptable grease or abnormal industrial waste, or to require pretreatment and/or equalization of flow thereof and installation of Grease Traps or Grease Interceptors to prevent harmful or adverse effects upon the sewer system. The design, construction and operation of such pre-treatment and/or flow equalization facilities, Grease Traps, and/or Grease Interceptors shall be made at the sole expense

of the Property Owner and/or Person discharging said unacceptable grease wastes in accordance with this Ordinance, and shall be subject to the approval of the Borough and/or the Borough Engineer.

SECTION 6. Plumbing to Be in Good Repair.

Every building or room occupied or used as a public eating place, restaurant or food preparation facility 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 system. All drains, sewers, waste and soil pipes, traps and water in gas pipes shall, at all times, be kept in good repair and order so that no gases 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 free from obstruction.

SECTION 7. Installation of Grease Interceptors and Traps.

A. Every building, room or space or part thereof used as a restaurant or food preparation facility 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 or potential grease-laden fixtures discharging through the building sewage lines as determined by Prospect Borough or its designated representative. For flow-through rates 35 gallons per minute 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 gallons per minute, an external, underground grease interceptor must be installed in all new and existing structures or changes of use involving restaurants. In any case, the Grease Trap or Grease Interceptor shall be designed to and shall actually accomplish the limitation of grease as required by this Ordinance.

B. Said Grease Trap or Grease Interceptor shall be installed at an appropriate location along the sewer connection line between the restaurant and/or food preparation facility and the entry of the line into the main sewer system. An inspection site tee shall be installed between the interceptor discharge and shall connect to the sanitary sewer system.

C. No solid waste devices, such as waste grinders, disposals, potato peelers, etc., shall discharge through the Grease Trap or Grease Interceptor. Only potentially grease-laden fixtures may discharge through the trap or interceptor.

D. In any existing restaurants and/or food preparation facility where there is a change or use or change of ownership, the Property Owner shall be required to provide updated information on the ownership and use to the Borough. In such case, the current Grease Trap or Grease Interceptor on the property shall be inspected to ensure that it meets the requirements of this Ordinance. To the extent that it may be necessary to meet ordinance compliance, the Property Owner may be required to modify the existing or install a new Grease Trap or Grease Interceptor as may be appropriate.

E. All Grease Traps or Grease Interceptors shall meet and shall be installed in accordance with all applicable laws, including but not limited to, the Uniform Construction Code.

SECTION 8. Maintenance of Grease Interceptors and Traps.

A. All Grease Interceptors and Grease Traps shall be maintained and kept in good working order at all times. The Grease Interceptor or Grease Trap shall limit the amount of grease discharged into the

sewer system to levels not exceeding those permitted by Prospect Borough. Grease discharges shall not exceed 100 parts per million downstream of the Grease Interceptor or Grease Trap.

B. It shall be the duty and responsibility of any Property Owner, lessee or agent of any restaurant and/or food preparation facility to clean, and, at a minimum quarterly, inspect the Grease Interceptor or Grease Trap. Such efforts shall be accomplished with a duly qualified business or company. A written record on a form to be supplied by the Borough shall be kept of all inspections and grease removal. The inspection report shall, at a minimum, list the company name, company representative, address and phone number of the company, the method and frequency of cleaning schedule and the date of cleaning/inspection. Such records shall be presented to the Borough upon request. A more frequent cleaning/inspection schedule shall be performed at the property when it is determined by the Borough that the property is discharging excessive amounts of grease into the sewer system.

C. The Borough may inspect the Grease Trap and outlet and, if it is deemed necessary by the Borough, more frequent servicing and maintenance will be required. All Property Owners shall comply with the reasonable determination by the Borough of the required frequency of servicing and maintenance.

SECTION 9. Modifications.

The requirements of this Part may be modified upon the written request of a property owner and the written approval of the Borough, if such modification meets the requirements and intent of this Part. Preference will be given to the utilization of new technology when modifications are requested.

SECTION 10. Responsibility, Fines and Compensation.

A. Property Owners shall be jointly and severally responsible for installing Grease Traps, for maintaining the Grease Traps in an efficient operating condition at all times, and for otherwise complying with the provisions of this Ordinance, including but not limited to, the reporting and maintenance of records set forth above.

B. The Borough reserves the right to pursue fines and penalties as well as to seek damages against Property Owners who do not conform to this Ordinance.

C. Any extraordinary cost incurred by the Borough due to interference, damage or special processing necessary in the collection, conveyance and treatment systems shall be paid by the Property Owners. The direct cost of all labor, equipment and materials incurred in rectifying the interference or damage shall be billed directly to the Property Owners by the Borough. This shall also include the costs of any analytical testing of effluent discharge from the site.

SECTION 11. Violations and Penalties.

A. Any Person who violates or fails to comply with any provision of this Ordinance shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

B. In addition to the above fines, the Property Owner shall pay, or reimburse the Borough for, all cleanup costs, any costs to remedy any damages incurred, any inspection costs, and the costs of prosecution, including filing fees, and any engineer, attorney, employee or representative fees, and any other Borough expenses related to the violation (the "Expenses"). If the Property Owner fails to pay the expenses, then the expenses shall be collectible from the property owner by any method available at law or in equity, including a municipal claim.

C. If the Property Owner desires to undertake the efforts to remedy any violation, and it may do so upon approval of and subject to supervision by the Borough.

D. Any property that is in violation of this Part may be subject to inspections at the discretion of the Borough.

E. Upon the third violation on any property, the Property Owner shall be required to implement the services of a professional grease disposal company (the "company"). A program shall be implemented with the company, subject to approval by the Borough, that will provide for the regular inspection and maintenance of the Grease Trap, as well as periodic removal of the grease therefrom (the "maintenance program"). In such case, the Property Owner shall provide documentation including receipts and reports and other documents as requested to evidence that the maintenance program remains in effect. The maintenance program shall remain in effect until the Property Owner demonstrates continued compliance with all ordinances and requirements regarding the sewer system and Grease Trap, for a minimum of term of two years. Thereafter the Property Owner may request to discontinue the maintenance program by submitting such a request to the Borough in writing. The Borough may authorize discontinuance at its reasonable discretion.

SECTION 12. Administration.

Borough Council shall by resolution adopt, establish and amend, as it deems proper in its sole discretion, all forms, fees, rules and/or regulations necessary to administer the provisions of this Ordinance.

SECTION 13. Severability.

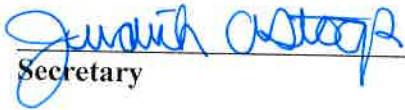
In the event that any provision, section, sentence, clause or part of this Ordinance is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being the intent of Prospect Borough that such remainder shall be and shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.


SECTION 14. Effective Date.

ORDAINED AND ENACTED this 1st day of October, 2018. By the Council of the Borough of Prospect to be effective October 1, 2018.

ATTEST:

PROSPECT BOROUGH COUNCIL


Secretary

By: 
President

EXAMINED AND APPROVED by me this 1st day of October, 2018

