

**AN ORDINANCE TO ADOPT AN AMENDMENT TO THE CODE OF ORDINANCES
FOR THE CITY OF COMMERCE TO PROVIDE FOR THE REGULATION AND
MANAGEMENT OF FATS, OILS AND GREASE AND FOR OTHER PURPOSES**

It is hereby ordained by the City Council of the City of Commerce, Georgia, that the Code of Ordinances of the City of Commerce, Georgia is hereby amended as follows:

SECTION I:

Section 78-82 of the Code is hereby deleted and a new Section 78-82 is inserted in lieu thereof to read as follows:

Sec. 78-82. Fats, Oil and Grease.

(a) *Definitions.*

Existing facility: A building in place prior to move-in by a new or current business.

Fats, oils, and greases (FOG) means any substance such as a vegetable or animal product that is used in, or is a by-product of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.

GMP official: A member of the staff of the city grease management program.

Grease hauler: A person who collects contents of grease interceptor or trap and transports it to approved recycling or disposal facility.

Grease trap/interceptor: A device used to allow sewerage to be retained so that grease and solids will separate from the water into layers before the water is allowed to flow into the city sewer system.

Grey water: All water of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer.

New facility: An individual newly constructed one occupancy building or strip mall type building, or an expanded/renovated existing facility where such facilities did not previously exist.

User: Any food establishment, or other facility as defined below, which discharges wastewater into the city's sewer system.

(b) *General.* Except where more complete pretreatment may be required; fat, oil, grease and/or sand interceptors shall be provided at all service stations, commercial or industrial food-handling establishments and reed mills. Additionally, any other commercial, industrial establishment or any institution generating a wastewater containing greater than 100 mg/L FOG shall provide an appropriate interception device. Such devices shall be necessary for the proper handling of liquid wastes containing grease, and/or oil in excessive amounts, any flammable wastes, sand or other harmful ingredients except that such interceptors shall be of a type and capacity approved by the director and/or superintendent.

(c) *Grease trap requirements.*

- (1) Outdoor grease trap design and installation shall conform to the City of Commerce Sanitary Sewer Standards, as shown in figures 1 and 2, and shall be of a type and capacity approved by the director. It shall be sufficiently sized (no smaller than 1,000 gallons and not larger than 3,000 gallons) in order to achieve and maintain compliance as indicated under subsection (b). In certain cases, multiple interceptors may be utilized. All grease traps must be approved by the wastewater supervisor prior to installation.

The trap shall be located with easy access for cleaning, pump-out and official inspection. All scullery sinks, mop sinks, floor drains, dishwashers, hub drains and open receptacles shall drain to the outside grease trap. Dishwasher and food grinder wastewater shall be discharged through a suitably sized solids interceptor prior to emptying to the outdoor grease trap.

- (2) The city may approve installation of an indoor trap if site restrictions prevent an outdoor trap installation. A variance must be applied for and approved, per the variance procedures in sec. 78-82-(d)-6. The minimum size for an indoor trap is 50 pounds. All drains shall be installed similarly as described for the outdoor type. (It is prohibited to discharge wastewater with a temperature higher than 140 degrees Fahrenheit, acid or caustic trap cleaners into an indoor grease trap.)
 - (3) Mechanically operated grease traps (ie: Big Dipper, skimmers, etc.) may be used in lieu of the grease trap requirements outlined in this section ONLY at the discretion of the director on a case-by-case basis.
 - (4) A sampling point shall also be provided at the user's expense to allow for observation, sampling and measurement of wastewater. It shall be located on the effluent discharge side of the grease trap. The sampling point shall be maintained, kept safe and accessible to the city at all times.
 - (5) If an existing facility has no grease trap or, as documented by inspection, it is determined that the current grease trap is insufficient for the volume of FOG waste being treated, the city may require an upgraded trap of an adequate size including a sampling point as described in subsection (4) above. An existing trap may be determined to be insufficient if the business located in the facility changes. If an existing facility using only a mechanical trap is found to be in noncompliance three times within six months, the user will be required to upgrade to a new installation as outlined under subsections (1)—(4) above. (Ref. subsection (e)). If an upgrade the existing trap is not feasible due to size and area restrictions, the variance procedure in section (d) (6) of this section must be followed.
- (d) *Grease management program.*
- (1) *Inspection, cleaning and maintenance.* The user will be responsible for inspection and cleaning of grease traps. Outdoor grease interceptor maintenance shall be performed at intervals of not less than once every 12 weeks. Indoor grease interceptor maintenance shall be performed at intervals of not less than once every 4 weeks. However, food service establishments that serve or prepare 500 to 1,000 servings per month may be serviced not less than every six months and those serving fewer than 500 servings per month may be serviced not less than every twelve months. All maintenance

frequencies above are contingent on the interceptor discharge concentrations not exceeding permissible FOG concentrations stated. Receipts of this service must be submitted to the City of Commerce on a monthly basis, on the 15th day of each month. If a receipt verifying service is not provided, citations and fines will be issued. After 3 months, the City will provide maintenance to the grease trap and will bill the user for the cost incurred. All repairs and maintenance of grease traps are the responsibility of the owner.

- (2) *Inspection.* Grease traps shall be inspected by the city as necessary to assure proper efficiency of the grease trap is being achieved.
- (3) *Repairs.* The food service facility shall be responsible for the cost and scheduling of all repairs to its grease trap(s). Repairs required by a GMP official shall be completed within 30 calendar days after the date of written notice of required repairs is received by the facility, unless the city approves in writing of a different schedule.
- (4) *FOG Waste haulers.* Waste haulers must have written permission from the city, in order to return any gray water back into the grease interceptor. This permission will be granted on a case-by-case basis and will depend upon the methods by which the solids and grease are separated in order to assure that clear water is the only material returned to the grease interceptor. All FOG waste haulers must be on the Georgia Environmental Protection Division list of FOG Commercial Transporter list. FOG numbers must be provided to City officials at any time and listed on each receipt and invoice.
- (5) *Interceptor pumping frequency.* Each facility's outdoor grease interceptor will be pumped at least once every 12 weeks. Indoor grease interceptors will be pumped at least once every 4 weeks. The city also has the right to pump a facilities' grease interceptor more frequently if the city determines it to be necessary or prudent.
- (6) *Variance procedure.* This procedure must be followed if a food service facility determines that pumping once every 12 weeks is excessive or that an indoor trap is necessary, then the facility may make written application for a variance from the above-described pumping schedule.
 - a. The food service will submit an application on a form provided by the city.
 - b. At the time which the grease interceptor is due to be pumped a representative of the city will collect a sample from the discharge point of the grease interceptor. After the sample is collected it will be analyzed for fats, oils, and grease content by a laboratory chosen by the city.
 - c. For the variance to be considered, the sample must show a fats, oils and grease content of less than 100 mg/l. If the sample does shown a level below this then a sample will be taken once a week until the sample exceeds the 100 mg/l mark established. Thus the time elapsed between the last pumping and the time at which the sample exceeds the above mentioned mark will then be the frequency at which that particular trap is pumped.
 - d. If at any time the food service facility changes ownership or does any type of renovation the schedule will revert to the original schedule established by the city.

- e. If the initial sample taken from a grease interceptor is not below the 100 gm/l mark then the variance will not be considered.
- (7) *Disposal.* Wastes removed from each grease interceptor shall be disposed of at a facility permitted by the State of Georgia Environmental Protection Chapter of the Georgia Department of Natural Resources to receive such wastes or at a location designated by the city for such purposes. Neither grease or solid materials removed from interceptors shall be returned to any grease interceptor, private sewer line or to any of the city wastewater collection system or water reclamation facilities without prior written permission [from the] GMP official.
- (8) *Monitoring.* The city shall have the right to sample and analyze the wastewater from any food service facility at any time to determine levels of grease contained within a facilities discharge.
- (9) *Spill reporting.* Any accident, spill, or other discharge of grease of gray water which occurs within the city shall be reported to the city by the grease hauler as soon as possible but not longer than 24 hours after the incident. The grease hauler shall comply with all procedures contained in federal, state and local regulations. The grease hauler shall be responsible for all clean-up procedures and costs.
- (10) *Record keeping.* Each facility shall keep records on site of grease trap inspection, cleaning, and maintenance. The records shall remain available for inspection and copying for a period of at least 3 years and available at all times for City review. Grease haulers shall retain and make available for inspection and copying, all records related to grease interceptor pumping and grease disposal from businesses connected to the city wastewater collection service system. These records shall remain available for a period of at least three years. The city may require additional record keeping and reporting, as necessary, to ensure compliance with the terms of this section.
- (11) *Vehicle inspection.* Grease haulers shall permit the city to inspect grease hauler's registered vehicles.
- (12) *Citations and Fees.*
- a. *Citations.* Violators of the provisions of this section shall be subject to be issued a citation to appear in the city municipal court to answer to the charge. Any grease traps users that fail to submit a receipt or proof of service by the 15th day of each month will be subject to citation following 30 days of non-compliance. Citations will be issued by the building official or code enforcement officers.
- b. *Fines.* Any citations issued for violations of the grease trap ordinance will be accompanied by a \$100 fine on the first infraction, \$250 fine on the second infraction, and \$500 fine on the third infraction. Any additional infractions there in will incur a compounding \$500 fine. Following the third infraction, City water service will be terminated and if possible, the City of Commerce business license will be revoked. All infractions occurring out of the City of Commerce jurisdiction will also be reported to the appropriate jurisdiction code enforcement and governing body,
- c. *Fees and billing.* The fees provided for in this section are separate and distinct from all other fees chargeable by the city. All fees shall become immediately due

and owing to the city upon receipt of invoice(s) for rendition of services or expenditure by the city and shall become delinquent if not fully paid within 45 days after receipt. Any delinquent amount shall be subject to a late charge of 15 percent. Fees applicable to this section are as follows:

- d. *Pumping fees.* In the event that the City of Commerce deems it necessary clean dispose of FOGs at a facility after a period of delayed maintenance that has resulted in damage or obstruction to City of Commerce sewer lines and facilities, the City may obtain services to clean the grease trap. The costs incurred will be charged to the facility owner.
 - e. All fees provided for herein may be adjusted by the city as it deems to be appropriate.
- (13) *Search warrant.* The city, through the city attorney may seek to obtain a search warrant from the appropriate authority to gain access to a food service facility for the purposes of inspection and monitoring if such lawful entry has previously been denied by the food service facility.
- (14) *Injunctive and other relief.* The city, through the city attorney, may file a petition in the name of the city in the municipal court, the superior court of the county or such other court as may have jurisdiction seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of this section or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the city as a result of any action or inaction of any person who causes or suffers damage to occur to the city's wastewater collection system, or for any other expense, loss or damage of any kind or nature suffered by the city.
- (15) *Criminal mischief.* No person shall maliciously, willfully or deliberately break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city sewer system or utilities department. Any person violating this provision shall be subject to immediate arrest under charge of destruction of public property.
- (16) *Remedies nonexclusive.* The remedies provided for in this section are not mutually exclusive. The GMP official may take any, all, or any combination of these actions against a noncompliance person.
- (17) *Penalties—Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this section, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section or shall violate any other provision of this section, shall be subject to a penalty in an amount not to exceed \$500.00 or by imprisonment for not more than six months, or by both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
- (18) *Service revocation.* Any services provided by the city may be suspended for the following reasons:
- a. Falsification of any information submitted as part of the registration.

- b. Failure to comply with any requirements or regulations concerning discharges to the city wastewater collection system.
- c. Failure to comply with any requirements or regulations concerning grease interceptors.
- d. Failure to pay required fees, or any assessed surcharges in a timely manner.

(e) *FOG wastewater discharge permit.*

- a. Food service establishments proposing to discharge or currently discharging wastewater that contain FOG into the city sewer system shall obtain a FOG wastewater discharge permit annually or cease ongoing operation until such permit is obtained. In addition to any other penalties authorized by law, failure to obtain such a permit shall subject the food service establishment to the potential of the disconnection of water service, until such permit is obtained.
- b. FOG wastewater discharge permits shall be subject to all provisions of this article and all other regulations, charges for use, and fees established by the city. The city in accordance with this article and applicable law shall have the authority to enforce the conditions of FOG wastewater discharge permits.
- c. The FOG wastewater discharge permit shall be issued upon:
 - 1. Receipt of a complete application;
 - 2. Compliance with this article;
 - 3. Compliance with the applicable provisions of this Code; and
 - 4. The proper installation and maintenance of a FOG interceptor that complies with the applicable provisions of this Code. A permit will be issued or denied within thirty (30) days based on compliance with this section. If the permit is not issued or denied within the time frame specified herein, the permit shall be deemed issued and approved.

(f) *FOG wastewater discharge permit application.*

- a. All food service establishments are required to obtain a FOG wastewater discharge permit and shall complete and file with the city prior to commencing or continuing discharges, an application for a wastewater discharge permit in a form prescribed by the city along with any applicable fees. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
 - 1. Name, address, telephone number, assessor's parcel number(s), description of the food service establishment, operation, cuisine, service activities, and, as applicable, clients using the applicant's services;
 - 2. Whichever is applicable, the name and address of any and all principals/owners/major shareholders of the food service establishment, articles of incorporation, certificate of organization most recent registration with the secretary of state, and a copy of the owner's business license;

3. Name and address of property owner or lessee and the property manager for the property where the food service establishment is located; and
 4. Any other information specified in the application form.
- b. Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control devices, FOG interceptors, or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
 - c. Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
 - d. After evaluation of the data furnished, the city may issue a FOG wastewater discharge permit, subject to the terms and conditions set forth in this article and as otherwise determined by the FOG control program manager to be appropriate to protect the city's sewer system.
 - e. The FOG wastewater discharge permit and application fee shall be paid by the applicant in an amount established from time to time by action of the city council. Payment of the application permit fee must be received by the city at the time of filing the application for the permit. A food service establishment shall also pay any delinquent invoices or payments due the city, such as taxes, fee or utility charges, in full prior to any permit renewal.
 - f. An application shall not be considered complete until all the information required by this section is provided to the FOG control program manager or designee. The FOG control program manager shall have fifteen (15) business days from receipt of such information to advise a food service establishment that an application is not complete.

(g) FOG wastewater discharge permit conditions.

The issuance of a FOG wastewater discharge permit may contain any of the following conditions or limits:

- a. Limits on discharge of FOG (100 mg/L), which may cause or contribute to sanitary sewer overflows and/or sewer blockages;
- b. Requirements for proper operation and maintenance of FOG interceptors and other FOG control devices;
- c. FOG interceptor maintenance frequency and schedule;
- d. Requirements for implementation of best management practices and installation of adequate FOG interceptor and/or FOG control device;
- e. Requirements for maintaining and reporting status of best management practices;
- f. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests;
- g. Requirements to self-monitor the discharge to the sewer system and periodically assess and report on the condition of the sewer lateral;

- h. Requirements for the food service establishment to construct, operate and maintain, at its own expense, a FOG control device(s) and sampling facilities;
- i. Additional requirements as otherwise determined to be reasonably appropriate by the FOG control program manager to protect the city's sewer system or as specified by other regulatory agencies; and
- j. Other terms and conditions, which may be reasonably applicable to ensure compliance with this article.

(h) FOG wastewater discharge permit modification of terms and conditions.

- a. The terms and conditions of an issued permit may be modified by the FOG control program manager if there is a change in:
 - 1. The generator's current or anticipated operating data;
 - 2. City's current or anticipated operating data;
 - 3. In the requirements of regulatory agencies, which affect the city; or
 - 4. A determination by the FOG control program manager and his or her designee that such modification is required to comply with the provisions of this article.
- b. The food service establishment may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change and the reasons for the change. The GMP control program manager shall review the request, make a determination on the request, and respond in writing within thirty (30) days of receipt of the request.
- c. The food service establishment shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, not to exceed forty-five (45) days.

(i) Permits for new and existing facilities, grandfathering, and effective date.

- a. New facilities. Food service establishments, which are newly proposed, constructed, or existing facilities which will be expanded or renovated, shall be required to install a properly sized FOG interceptor according to the requirements set forth in this article and such FOG interceptors shall be permitted and installed prior to the issuance of a certificate of occupancy for the food service establishment. New food service establishments locating within existing buildings may be exempt from installing an external FOG interceptor if the GMP official deems that it is not feasible. In the event that an external FOG interceptor is deemed to be infeasible, the new food service establishment must install an internal FOG interceptor.
- b. Existing facilities. The city requires all existing food service establishments to install, operate, and maintain a FOG interceptor that complies with the

requirements set forth in this article. All food service establishments shall repair or replace any non-complaint plumbing or the existing FOG interceptor within ninety (90) days of written notification by the City if any one or more of the following conditions exist or occur:

1. The facility is found to produce any product that creates FOG as a byproduct;
 2. The facility does not have a FOG interceptor;
 3. The facility has an undersized, irreparable, improperly configured, or defective FOG interceptor;
 4. Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued by the city;
 5. The existing facility is sold or undergoes a change of ownership or expansion;
 6. The existing facility does not have plumbing connection to a FOG interceptor in compliance with the requirements of the city; or
 7. If a food service establishment changes its business name.
- c. Grandfathering. If an existing food service establishment is housed in a structure that because of its architectural/ design restrictions and determined by GMP control program official that an external FOG interceptor is not feasible because, the owner will not have the ability to install an external FOG interceptor, or be able to upgrade the existing FOG interceptor, then the establishment may keep the current FOG interceptor in place provided that all fresh air fixtures must be tied into the current FOG interceptor, and the FOG interceptor must be at least fifteen (15) feet from the last fresh air fixture. Additionally, the FOG interceptor must be cleaned every thirty 4 weeks at a minimum by a Georgia State permitted transporter. In the event that any remodeling of such a food service establishment is undertaken or if the food service establishment changes ownership, then a FOG interceptor that complies with all applicable requirements of this code shall be installed. Approval for the grandfathered indoor receptor must be approved through the variance process as outlined in this ordinance.
- d. Notification of planned changes. All food service establishments shall notify the FOG compliance manager at least ninety (90) days in writing in advance prior to any change of ownership, facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. All food service establishments shall submit any information requested by the city for evaluation of the effect of such expansion on the food service establishment's FOG discharge to the sewer system.

Editor's note(s)—The city's fats, oils, and grease (FOG) permits fee schedule is not set out at length herein but is on file and available for inspection in the office of the city clerk.

(j) *FOG wastewater discharge permit duration and renewal.*

- (a) FOG wastewater discharge permits shall be issued annually. At least thirty (30) days prior to the expiration of the permit. The user shall apply for renewal of the permit in accordance with the provisions of this article.
- (b) For new food service establishments applying for a new permit after February 1, the FOG wastewater discharge permit fee for the first year shall be prorated based on the number of months remaining in the year.

(k) *Exemption from FOG wastewater discharge permit.*

A limited food preparation establishment is not considered a food service establishment and is exempt from obtaining a FOG wastewater discharge permit.

(l) *Non-transferability of permits and fees.*

- (a) FOG wastewater discharge permits issued under this article is for a specific food service establishment, for a specific operation, and create no vested rights.
- (b) No permit holder shall assign, transfer, or sell any FOG wastewater discharge permit issued under this article nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.
- (c) A permitting fee that covers the administrative costs of the city for administering the FOG program shall be established by the city and assessed to each facility subject to this article.

SECTION II:

This Ordinance adopted hereby shall be codified and certified in a manner consistent with the laws of the State of Georgia and the City.

SECTION III:

It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Mayor and Council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION IV:

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION V:

This Ordinance shall take effect immediately upon its adoption the public health, safety and welfare requiring same.

IT IS SO ORDAINED this 19 day of December, 2022.

CITY OF COMMERCE

By: [Signature]
Mayor

Attest: [Signature] [Seal]
City Clerk

