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ORDINANCE NO. ORD-05-0003

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ADDING CHAPTER 8.46
RELATING TO THE DISPOSAL OF FATS, OILS AND
GREASE

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding
Chapter 8.46 to read as follows:

Chapter 8.46

DISPOSAL OF FATS, OILS, AND GREASE

8.46.010 Definitions.

A. "Best management practices" means activities, prohibitions or practices, maintenance procedures, and other management practices as determined by the Long Beach Water Department to prevent or reduce the discharge of fats, oils and grease in the public sewer and storm drain systems.

B. "Enforcement official" means the persons designated in Section 8.46.060.

C. "Fats, oils, and grease" (sometimes referred to in this Chapter as simply "grease") means organic polar compounds derived from animal or plant sources, containing multiple carbon chain triglyceride molecules, detectable and measurable using analytical test procedures established in Section 136 of Title 40 of the Code of Federal Regulations, in effect at the time of enactment of this ordinance and as hereafter amended or replaced.

1 D. "Food facility" shall have the same meaning defined in Section
2 8.45.010(B) of this Code and, in addition, includes grocery markets and
3 restaurants as defined in Section 8.44.010 of this Code.

4 E. "Grease interceptor" means a large underground tank installed
5 outside a food facility and connected to the outgoing sewer drainage
6 system of the food facility, and designed for removing and preventing fats,
7 oils and grease from entering the public sewer collection system.

8 F. "Grease trap" means a device connected directly to the outgoing
9 drains of sinks inside a food facility near the areas of food preparation and
10 intended for separating the fats, oil and grease from wastewater before
11 the fats, oils and grease enter the public sewer collection system.

12 G. "Wastewater" means water after it has been used in homes,
13 businesses, landscaping or agriculture (such as plots where food is
14 grown) that contains enough harmful material to damage the water's
15 quality. Wastewater also includes domestic sewage and industrial waste
16 from manufacturing sources.

17 8.46.020 Public Nuisance and Public Health Hazard.

18 In addition to being a misdemeanor as stated in Section 1.32.010
19 of this Code, any condition caused or permitted to exist in violation of this
20 Chapter may be declared a public nuisance after a hearing held in
21 accordance with this Chapter and may constitute a public health hazard
22 subject to Section 8.44.061 and Section 8.44.062 of this Code.

23 8.46.030 Requirements for Food Facilities.

24 Any food facility that discharges wastewater into the public sewer
25 collection system shall comply with the following requirements:

26 A. The owners and employees of a food facility shall be able to
27 and, when requested by a representative of the City, shall demonstrate
28 that the food facility complies with best management practices for

1 handling fats, oils and grease.

2 B. A food facility shall have one or more drums or containers for
3 the recycling and disposal of fats, oils and grease. Drums and containers
4 used for storage of fats, oils and grease shall be leak-proof and shall be
5 secured with close fitting lids. The owner or operator of a food facility
6 shall keep the drums and containers in a location on the site of the food
7 facility so that there is no possibility of an accidental or deliberate spilling
8 of fats, oils or grease onto a public right-of-way. The drums and
9 containers shall be removed for recycling as frequently as necessary to
10 avoid an unsafe, hazardous, or untidy condition or an impediment to
11 passage. The owner, operator and employees of a food facility shall
12 remove fats, oils and grease that has spilled, including but not limited to
13 grease generated by washing hoods, floors and mats, and shall
14 immediately clean the area where the spill occurred.

15 C. Prior to or at the time that the owner or operator of a new food
16 facility applies for a business license or a building permit from the City's
17 Department of Planning and Building, the owner or operator shall submit
18 to the Long Beach Water Department plans describing the manner in
19 which the owner or operator will comply with this Chapter, particularly with
20 respect to the grease interceptor. Prior to or at the time that the owner or
21 operator of an existing food facility applies for a building permit from the
22 City's Department of Planning and Building for modifications to the
23 plumbing system at that existing food facility which modifications have an
24 estimated cost of \$20,000 or more, the owner or operator shall submit to
25 the Long Beach Water Department plans describing the manner in which
26 the owner or operator will comply with this Chapter, particularly with
27 respect to the grease interceptor. Any time there is a change in
28 ownership of an existing food facility or a change in the operation of an

1 existing food facility, the new owner (if there is a change in ownership) or
2 the current owner or operator (if there is a change in the operation) shall
3 submit to the Long Beach Water Department plans describing the manner
4 in which the owner will comply with this Chapter, particularly with respect
5 to the grease interceptor.

6 Food facilities subject to this subsection may apply for a variance
7 from the requirements relating to a grease interceptor. If the enforcement
8 official determines that the installation of a grease interceptor would not
9 be feasible due to limitations on space or other relevant factors, a
10 variance will be granted. The burden is on the food facility to demonstrate
11 that the installation of a grease interceptor is not feasible.

12 D. The Long Beach Water Department may authorize the
13 installation of a grease trap or other alternative pre-treatment technology
14 where the installation of a grease interceptor is not feasible provided that
15 the owner has obtained the prior written approval of the Long Beach
16 Water Department for the type and size of alternative pre-treatment
17 technology to be installed by the owner. Alternate pre-treatment
18 technology includes but is not limited to devices used to trap, separate
19 and store grease from wastewater to prevent it from discharge into the
20 public sewer collection system.

21 E. The owner or operator of a food facility shall keep a written
22 record of the maintenance, repair and cleaning of grease traps and
23 grease interceptors for a period of one (1) year, beginning on the date a
24 new business is open to the public or, in the case of a modification to the
25 food facility which requires a building permit, on the date of final
26 inspection as shown on the building permit (a copy of which shall be
27 delivered to the Long Beach Water Department. This record shall contain
28 documentation (including but not limited to receipts) showing the times,

1 dates, nature of the maintenance, repair and cleaning, quantities of fats,
2 oils and grease removed, and the name, address and phone number of
3 the person or entity cleaning the grease interceptor, grease trap or
4 alternative pre-treatment technology (if it has been approved by the City).

5 F. The owner or operator of a food facility that fails to implement
6 best management practices or that has repeated incidents relating to
7 grease spills or blockages shall install grease interceptors or, if a variance
8 is granted under subsection C above, grease traps or other alternative
9 pre-treatment technology.

10 G. The owner, operator and employees of a food facility shall allow
11 enforcement officials access to the food facility during the normal
12 business hours of the food facility or outside of normal business hours, if
13 acceptable to the food facility, for the purpose of sampling wastewater,
14 inspecting the grease interceptors and grease traps, and reviewing the
15 records and documentation required by subsection E above.

16 H. Food facilities shall comply with the latest edition of the Rules
17 and Regulations regularly published by the Long Beach Water
18 Department as they relate to the prevention of spills or blockages of fats,
19 oils and grease, and to grease trap requirements.

20 8.46.040 Requirements for Grease Interceptors.

21 A. The size and installation of grease interceptors shall comply
22 with the requirements of the latest edition of the California Plumbing Code
23 adopted by the City.

24 B. Grease interceptors shall be constructed in accordance with a
25 design approved by the City's Department of Planning and Building and
26 shall have a minimum of two compartments with fittings designed for the
27 retention of grease.

28 C. The owner or operator of a food facility shall install grease

1 interceptors at a location easily accessible for inspection, cleaning and
2 removal of grease and shall not install or allow them to be installed in any
3 part of a building where food is handled. Owners or operators shall obtain
4 the prior written approval for the location of grease interceptors from the
5 City's Department of Health and Human Services.

6 D. The owner or operator of a food facility shall empty grease
7 interceptors of accumulated grease and other contents as necessary to
8 maintain the minimum capacity or volume of the grease interceptor.

9 E. The owner or operator of a food facility shall inspect the grease
10 interceptor at least once each month or more frequently if ordered to do
11 so by enforcement official when maintenance and repair of the grease
12 interceptor is unsatisfactory.

13 F. The owner or operator of a food facility shall ensure that the
14 grease interceptor provides a minimum hydraulic retention time in
15 accordance with the latest edition of the California Plumbing Code
16 adopted by the City, and shall remove all accumulated grease cap and
17 sludge pockets as necessary to allow the grease interceptor to perform at
18 maximum efficiency.

19 G. The owner or operator of a food facility shall keep the grease
20 interceptor free from inorganic solid materials including but not limited to
21 grit, rocks, gravel, sand, eating utensils, cigarettes, shells, rags and similar
22 things that could settle into the sludge pocket and reduce the effective
23 volume of the grease interceptor.

24 H. The owner or operator of a food facility shall not allow the
25 discharge of sanitary waste through a grease interceptor.

26 I. The owner or operator of a food facility shall provide a manhole
27 having a minimum diameter of 24 inches to allow access over each
28 chamber and sanitary tee of a grease interceptor. The manholes shall

1 extend at least to finished grade and shall be designed and maintained to
2 prevent water inflow or infiltration. The manholes shall have covers that
3 can be removed readily for inspection, removal of grease and sampling of
4 wastewater.

5 8.46.050 Requirements for Grease Traps.

6 A. Following receipt of the written approval of the Long Beach
7 Water Department, the owner or operator of a food facility shall install a
8 grease trap in the waste line leading from sinks, drains, and other fixtures
9 or equipment in the food facility where fats, oils and grease may be
10 introduced into the drainage system or sewer system in quantities that
11 could cause a blockage in either the public or private sewer lines. In
12 addition to the approval of the Long Beach Water Department, all grease
13 traps must be of a type or design approved by the IAPMO (International
14 Association of Plumbing & Mechanical Officials), NSF (National Sanitation
15 Foundation), and UL (Underwriters Laboratory).

16 B. The size and installation of grease traps shall comply with the
17 requirements of the latest edition of the California Plumbing Code adopted
18 by the City.

19 C. The owner or operator of a food facility shall not install a grease
20 trap that has a stated rate of flow of more than fifty-five (55) gallons per
21 minute or less than twenty (20) gallons per minute, unless the
22 enforcement official has granted a variance from this stated rate of flow.

23 D. The owner or operator of a food facility shall maintain grease
24 traps in efficient operating condition, including but not limited to the
25 frequent, periodic removal of accumulated grease and food debris, and
26 shall maintain them in accordance with the manufacturer's directions. The
27 owner, operator and employees of a food facility shall not allow
28 accumulated grease to be introduced into any drain pipe or public or

1 private sewer line.

2 E. The owner or operator of a food facility shall not connect a food
3 waste disposal unit or dishwasher to a grease trap and shall not allow any
4 discharge from a food waste disposal unit or dishwasher into a grease
5 trap.

6 F. The owner or operator of a food facility shall not allow
7 wastewater in excess of 140 degrees Fahrenheit or 60 degrees Celsius to
8 discharge into a grease trap.

9 8.46.060 Enforcement.

10 This Chapter shall be enforced by the City Health Officer, or
11 designee, or by the General Manager of the Long Beach Water
12 Department, or designee. These persons shall be known as enforcement
13 officials and they are authorized to take any actions necessary to enforce
14 this Chapter.

15 8.46.070 Administrative Hearing Procedure.

16 A. The City Attorney shall appoint a hearing officer who shall not
17 be an enforcement official. The hearing officer shall set the time and
18 place for the hearing and send notice of the hearing to the owner of
19 record of the food facility or restaurant and to the enforcement official at
20 least ten (10) days before the hearing. The notice shall also include the
21 location and the nature of alleged violation of this Chapter.

22 B. At least five (5) days before the hearing, the enforcement
23 official shall provide to the owner of record and to the hearing officer a
24 copy of any report made by the enforcement official or any other City
25 employee regarding the alleged violation. If the enforcement official has a
26 proposed plan for abatement of the alleged nuisance, then the
27 enforcement official shall also provide this plan to the owner of record and
28 to the hearing officer.

1 C. The hearing officer may proceed with the hearing in the
2 absence of the owner of record or the enforcement official if he or she has
3 not received an explanation for the absence prior to the commencement
4 of the hearing.

5 D. Once a notice of hearing has been given, there shall be no
6 communications between the owner of record, the operator of the food
7 facility or restaurant or its employees regarding the alleged violation.

8 E. The owner of record may submit to the hearing officer with a
9 copy to the enforcement official written evidence to rebut the City's report
10 alleging a violation of this Chapter.

11 F. The owner and the enforcement official may make an oral
12 statement and the time limits for the statements will be set by the hearing
13 officer prior to the hearing. If either the owner or the enforcement official
14 wishes to call witnesses at the hearing, then they shall provide the names,
15 addresses, telephone numbers, and a summary of the testimony of the
16 witnesses to the hearing officer and to the other interested party at least
17 three (3) days prior to the hearing. The hearing officer may ask questions
18 of the parties or the witnesses.

19 G. The hearing officer shall render a decision, in writing, after the
20 hearing is closed and shall mail a copy of the decision to the owner at the
21 address for the location of the alleged violation and shall deliver or mail a
22 copy to the enforcement official. The decision of the hearing officer shall
23 be final.

24 8.46.080 Exemptions.

25 Any food facility that is not engaged in the preparation of food to be
26 consumed by the public including but not limited to liquor stores, candy
27 stores, and stores selling only pre-packaged food is exempt from this
28 Chapter.

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8.46.090 Severability.

If any part of this Chapter or the application of this Chapter to any person or entity is held to be invalid by a court of competent jurisdiction, then the remainder of this Chapter shall remain in full force and effect and shall not be affected by the invalidity of only part of the Chapter.

8.46.100 Complementary to Chapter 15.20

This Chapter is not intended to nor shall it be deemed to supersede or have priority over Chapter 15.20. This Chapter and Chapter 15.20 shall be construed as complementary.

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and cause it to be posted in three (3) conspicuous places in the City of Long Beach and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City

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