

ORDINANCE NO. 2004-03-02

AN ORDINANCE OF THE CITY OF WESTON, TEXAS, PROVIDING REGULATIONS FOR THE GENERATION, ACCUMULATION, DISCHARGE, AND DISPOSAL OF GREASE INTERCEPTOR WASTES; REQUIRING THE INSTALLATION AND REGULAR SERVICING OF GREASE INTERCEPTORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council finds that the accumulation of fats, oils and greases caused by food preparation and servicing facilities presents a risk to the public health and the environment; and

WHEREAS, to protect the public health and the environment the City Council desires to adopt comprehensive regulations governing the generation, accumulation, discharge, and disposal of grease interceptor wastes, and to require the installation and regular servicing of grease interceptors.

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

Section 1. Definitions

For the purposes of this Ordinance, the following definitions shall have the meanings ascribed to them below:

- (1) BOD (Biochemical Oxygen Demand): the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees centigrade, usually expressed as parts per million by weight or in terms of milligrams per liter;
- (2) CITY: the City of Weston, Texas, or any authorized person acting on its behalf;
- (3) CODE ENFORCEMENT OFFICER: the Code Enforcement Officer of the City of Weston;
- (4) GENERATOR: the person or entity whose acts or processes produce Liquid Waste or first cause it to be regulated;
- (5) GREASE TRAP/INTERCEPTOR: an interceptor placed in a drainage system to separate and retain grease and includes, without limitation, interceptors in restaurants and other food service establishments, schools, commercial kitchens, and other similar facilities;
- (6) LIQUID WASTE: water-borne solids, liquids, and gaseous substances located or removed from Grease Traps;
- (7) MILLIGRAMS PER LITER (mg/l): the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water;
- (8) TSS (Total Suspended Solids): solids that either float on the surface of or are in suspension in water or other liquids, and which are generally removable by a laboratory filtration device. TSS is expressed in milligrams per liter;
- (9) TO DISCHARGE: includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Section 2. Grease Trap/interceptor Requirements

(a) Grease interceptors shall be installed and properly operated in all food service establishments where preparation of food occurs on the premises. The Code Enforcement Officer shall approve the design and construction of any grease interceptor. The minimum grease interceptor size shall be 1,000 gallons unless otherwise determined by the Code Enforcement Officer. The Code Enforcement Officer shall be responsible for enforcement of City regulations governing the proper operation of grease interceptors. The Code Enforcement Officer shall adopt such procedures, forms, rules, and regulations as are reasonably necessary to effectively enforce the provisions of this Ordinance.

(b) The grease interceptors shall be maintained and serviced at least once every ninety (90) days and at all other times as necessary to prevent the food service establishment's grease interceptor from being overloaded. The Code Enforcement Officer may order a Generator to have its Grease Traps pumped out more frequently than once every ninety (90) days if it is determined to be necessary for the protection of the public health and safety. Use of hot

water, chemicals, other agents or devices, unless approved in writing by the Code Enforcement Officer, for the purpose of causing the oil, grease or sand to pass through the grease interceptor, is prohibited.

(c) The grease interceptor must not allow the passage of liquid waste containing BOD and TSS levels in exceed four hundred (400) mg/l.

(d) The food service establishment shall notify the Code Enforcement Officer of any change in the conditions of the food service establishment's operation. The Code Enforcement Officer shall determine if the grease interceptor must be changed to meet the changed conditions of the food service establishment's operation.

Section 3. Violation

(a) It is unlawful for any Generator to discharge in violation of this Ordinance. Additionally, a person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits the interference of a grease interceptor, including alteration or removal of any flow constricting devices so as to cause flow to rise above the design capacity of the interceptor.

(b) The City may suspend water service when such suspension is necessary, in the opinion of the Code Enforcement Officer, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment.

(c) Any person notified of a suspension of the water service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate termination of water service, to prevent or minimize endangerment to any individuals. The City shall reinstate the water service when such conditions causing the suspension have passed or been eliminated.

(d) Any person, operator, or owner who shall violate any provision of this Ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each violation and each day a violation continues, shall constitute a separate offense and shall be punished accordingly.

Section 4. Provisions Cumulative

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. Provisions Severable

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance 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 ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Savings Clause

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of ordinances of the City of Weston, Texas relating to grease interceptors or any other ordinances affecting public health and safety which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Publication

The City Secretary of the City of Weston is directed to publish the caption, penalty clause, publication clause and effective date of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

Section 8. Publication in Book or Pamphlet Form

The City Secretary of the City of Weston is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

Section 9. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this 9th day of March, 2004

Patti Harrington
Patti Harrington, Mayor

ATTEST:

Michele Smith
Michele Smith, City Secretary

March 18, 2004
Effective



eston

Filed for Record this
Collin County, McKinney, TX
Honorable Brenda Taylor
Collin County Clerk
MAY 04 2004
AT 10:38AM
DocNum : 5884-0063734
Recording Type: OR
Receipt #: 17526
54.88



5661 01601

After Recording Return to:
Michele Smith
City of Weston
P O Box 248
Weston TX 75097

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordered.

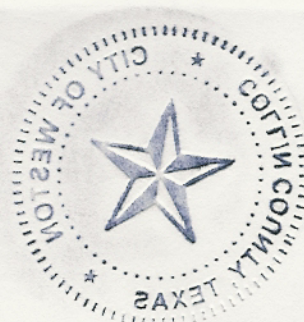
PASSED AND APPROVED this 4th day of March, 2004

[Signature]
Paul Harrington, Mayor

ATTEST

[Signature]
Michele Smith, City Secretary

[Signature]
Effective



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW (THE STATE OF TEXAS) (COUNTY OF COLLIN)
I hereby certify that this instrument was FILED in the File Number Sequence on the date and the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Collin County, Texas (r)

MAY 04 2004

Brenda Taylor



Filed for Record in:
Collin County, McKinney TX
Honorable Brenda Taylor
Collin County Clerk

On May 04 2004
At 10:30am

Doc/Num : 2004- 0063734

Recording/Type:OR 24.00
Receipt #: 17256