

Introduced by: Council Member Chris Hoffman

1st Reading: November 4, 2019

2nd Reading: November 18, 2019

ORDINANCE NO. 2019-8125

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 32. UTILITIES, CREATING ARTICLE VII. FATS, OILS, AND GREASE (FOG) PROGRAM; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE PURPOSE AND APPLICABILITY OF THE ORDINANCE; REQUIRING FOOD SERVICE FACILITIES TO INSTALL, OPERATE, AND MAINTAIN GRAVITY GREASE INTERCEPTORS OR HYDRO-MECHANICAL GREASE INTERCEPTORS; PROVIDING FOR SCHEDULED CLEANING OF HYDRO-MECHANICAL GREASE INTERCEPTORS AND GRAVITY GREASE INTERCEPTORS; PROVIDING FOR VARIANCE; PROVIDING FOR RECORD KEEPING; PROVIDING FOR INSPECTIONS OF GRAVITY GREASE INTERCEPTORS AND HYDRO-MECHANICAL GREASE INTERCEPTORS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and

WHEREAS, the City of Jacksonville Beach is charged with ownership and maintenance of the City's water and wastewater conveyance and treatment systems; and

WHEREAS, wastewater discharges containing high concentrations of fats, oils, and grease from restaurants and other food handling facilities is a main contributor to blockages and sanitary sewer overflows (SSO) in the City's wastewater collection system; and

WHEREAS, such excessive amounts of grease result in the immediate threat to the health and safety of the public and our environment; and

WHEREAS, to effectively address the issue, the City finds it in the best interest of the public health, safety, and welfare to develop a Fats, Oil, and Grease (FOG) Program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Chapter 32. Utilities is hereby amended to add Article VII. Fats, Oils, and Grease (FOG) Program to read as follows:

Section 32-180. Purpose and intent.

- (a) Purpose. This article establishes maintenance and monitoring requirements and provides for regulation of:
 - (1) The interception and collection of fats, oils, and grease from food service facilities.
 - (2) The maintenance and monitoring requirements to control the discharge of grease from food service facilities.
- (b) Intent. The intent of the FOG Program is to:
 - (1) To prevent the introduction of excessive amounts of fats, oil, and grease into the City of Jacksonville Beach wastewater collection system and subsequently into the pollution control plant.
 - (2) To prevent clogging or blocking of City sewer lines due to grease build-up causing backup and flooding of streets, residences, and commercial buildings.

Section 32-181. Definitions.

- (a) Food Service Facility or Facilities means any facility, which prepares and/or packages food or beverages for sale and consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not limited to: food courts, food manufacturers, food packagers, food trucks, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, coffee shops, schools, and any other food service facilities not listed above.
- (b) Gray Water means all of the liquid contained in a grease interceptor that lies below the floating grease layer and above the food solids layer
- (c) Grease means a material either liquid or solid, and composed primarily of fat, oil, and grease from animal or vegetable sources. The terms "fats, oils, and grease (FOG)," "oil and grease," or "oil and grease substances" shall be included within this definition.

- (d) Grease Hauler means a person who collects the contents of a grease interceptor or trap and transports it to an approved recycling or disposal facility. A grease hauler may also provide other services to a food service facility related to grease interceptor maintenance.
- (e) Gravity Grease Interceptor means a device located underground and outside of a food service facility designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of liquid waste to discharge to the wastewater collection system by gravity. Interceptors shall be separated into two chambers by baffle. The baffle shall be set 50/50 or 2/3 – 1/3 and have at least two inspection hatches on the top surface for cleaning and maintenance by a grease hauler.
- (f) Hydro-mechanical Grease Interceptor means a plumbing appurtenance or appliance that is installed outside of the food service facility and in the sanitary drainage system to intercept nonpetroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by flow rate, separation, and retention efficiency. The term “grease trap” shall be included within this definition.
- (g) Lift Station means a pumping station installed inline after a grease interceptor to pump gray water to the City sewer system.
- (h) Notice of Violation (NOV) means a notice generally issued by the City of Jacksonville Beach personnel or its representative to a food service facility, informing of noncompliance and/or violations of the City’s Utility ordinances or the requirements of this section. The specific violations shall be provided on the NOV.
- (i) Solids Layer means the settled matter that accumulates on the bottom of a grease trap or interceptor.

Section 32-182. Applicability.

- (a) The provisions of this Article shall apply to all existing food service facilities located within the municipal boundaries of the City of Jacksonville Beach. Further, this Article applies to all food service facilities that begin operations within the municipal boundaries of the City of Jacksonville Beach on or after the effective date of this Ordinance.

Section 32-183. General requirements.

- (a) Requirements. All food service facilities are required to have a hydro-mechanical or gravity grease interceptor installed outside the facility. The requirements of this Article are in addition to any applicable requirements of the Florida Plumbing Code and the Standard Plumbing Code, and any

pretreatment requirement adopted by the City for protection of the City's Pollution Control Plant.

- (1) *New Facilities.* On or after the effective date of this ordinance, food service facilities which are newly proposed, constructed, or permitted, or existing facilities which are expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to install, operate, and maintain a hydro-mechanical or gravity grease interceptor according to the requirements contained in this ordinance. Gravity grease interceptors or hydro-mechanical grease interceptors shall be installed and permitted prior to the issuance of a certificate of occupancy.
 - (2) *Existing Facilities.* For the purpose of sizing and installation of grease interceptors, all food service facilities existing within the City prior to the effective date of this ordinance shall be permitted to operate and maintain existing grease interceptors or hydro-mechanical grease interceptors provided their grease interceptors or hydro-mechanical grease interceptors are in compliance with the criteria for the individual interceptor as defined in this division.
- (b) *Compliance.* On or after the effective date of this Ordinance, the City may require an existing food service facility to install, operate, and maintain a new hydro-mechanical or gravity grease interceptor that complies with the requirements of this Article or to modify or repair any noncompliant plumbing or existing interceptor or grease trap within ninety (90) days of written notification by the City when any one or more of the following conditions exists:
- (1) The facility is found to be discharging fats, oils, and grease in quantities greater than (100) milligrams per liter in the facility effluent sample.
 - (2) The facility does not have a hydro-mechanical or gravity grease interceptor(s).
 - (3) The facility has an undersized, irreparable or defective hydro-mechanical or gravity grease interceptor(s).
 - (4) When remodeling or renovating an existing facility where a plumbing permit is issued by the City of Jacksonville Beach.
 - (5) The existing facility effluent causes sewer line blockage (SSO) or stoppage that require the City of Jacksonville Beach to increase maintenance that exceeds twice a calendar year.

- (6) The existing facility does not have plumbing connections to a hydro-mechanical or gravity grease interceptor(s) in compliance with the requirements of this Article.

(c) Plumbing Connections. Hydro-mechanical or gravity grease interceptor. All plumbing connections shall be located outside the food service facilities lateral sewer line between all fixtures which may introduce grease into the sewer system and the connection to the City's wastewater collection system. Such fixtures shall include, but not be limited to hand, prep, and mop sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and stage areas, and any other fixture which is determined to be a potential source of grease. Wastewater from sanitary facilities and other similar fixtures shall not be introduced into hydro-mechanical or gravity grease interceptor(s) under any circumstance.

(d) Hydro-mechanical grease interceptors. Hydro-mechanical grease interceptors shall be prohibited for all new food service facilities with the exception of those facilities in which it is determined there is inadequate space available for the installation of a gravity grease interceptor. Approval of the installation of a hydro-mechanical grease interceptor instead of a gravity grease interceptor at a new food service facility shall meet the following criteria:

- (1) Interceptor design and location. Hydro-mechanical grease interceptors shall conform to the standards in the Plumbing and Drainage Institute (PDI) Standards G101. Hydro-mechanical grease interceptors shall be installed in strict accordance with the manufacturer's instructions. Hydro-mechanical grease interceptors shall be equipped with a cover that can be opened for inspection and sampling with a mechanism for secure closing. Covers must be air and watertight. Covers must be traffic rated if located within a traffic area.
- (2) Capacity. The capacity of the hydro-mechanical interceptor shall be related to the flow rate as defined in the appendix and Table 1 of PDI Standards G101.
- (3) Flow-through rate. Flow-through rates shall be calculated in accordance with the procedures in PDI Standards G101.
- (4) Flow control device. Hydro-mechanical grease interceptors shall be equipped with a device to control the rate of flow through the unit. The rate of flow shall not exceed the manufacturers rated capacity recommended in gallons per minute for the unit.
- (5) Venting. The flow control device and the hydro-mechanical grease interceptor shall be vented in accordance with the Florida Plumbing Code current edition. The vent shall terminate not less than six inches

(6") above the flood-rim level or in accordance with the manufacturer's instructions.

- (6) *Cleaning, and maintenance.* Each food service facility shall be solely responsible for the cost of the hydro-mechanical grease interceptor(s) installation, inspection, cleaning, and maintenance. Each food service facility shall contract with a grease hauler for cleaning services. Alternatively, a food service facility may develop a written protocols and procedures for the cleaning and maintenance of hydro-mechanical grease interceptors. Cleaning and maintenance must be performed when the total volume of captured grease and solid materials displaces more than twenty percent (20%) of the total volume of the unit. The City shall use a core sampling method during monthly or bi-monthly routine inspection in order to determine the frequency at which a hydro-mechanical grease interceptor(s) shall be cleaned, however, all hydro-mechanical grease interceptors shall be opened, inspected, cleaned, and maintained at a minimum of once per week.
- (7) *Inspection.* The City shall inspect hydro-mechanical grease interceptors as necessary to assure compliance with this division as well as proper cleaning and maintenance schedules are adhered to.
- (8) *Repairs.* The food service facility shall be responsible for the cost and scheduling of all repairs to its hydro-mechanical grease interceptor(s). Repairs required by the City shall be completed within fourteen (14) calendar days after the date of written notice of required repairs is received by the food service facility unless a different schedule is approved by the City in writing.
- (9) *Disposal.* Grease and solid materials removed from a grease interceptor(s) shall be disposed of in a solid waste disposal facility. Neither grease nor solid material removed from a hydro-mechanical grease interceptor shall be returned to any hydro-mechanical grease interceptor, private sewer line or to any portion of the City's wastewater collection system or water reclamation facilities without prior written approval of the City of Jacksonville Beach Public Works Director.
- (10) *Record keeping.* The food service facility shall maintain records including the date and time of all cleaning and maintenance, details of any repairs required, and dates of repairs for each hydro-mechanical grease interceptor(s) in a bound logbook and shall make the logbook available for inspection by the City on request. The food service facility shall also maintain all written protocols and procedures concerning the hydro-mechanical grease interceptor(s) cleaning and maintenance and shall make such available to the City on request. Such records shall be kept for a period of three years from time of cleaning or repair.

(e) Gravity grease interceptors. Gravity grease interceptors shall be installed at all new food service facilities with the exception of those facilities in which it is determined there is inadequate space available for the installation of a gravity grease interceptor. All new and existing gravity grease interceptors shall meet the following criteria:

- (1) Interceptor design and location. Gravity grease interceptors shall have a minimum of two (2) compartments and shall be capable of separation and retention of grease and storage of settled solids. Gravity grease interceptor designs shall conform to the requirements of Florida Plumbing Code Section 1003.5.1. A control manhole over each compartment for monitoring purposes shall be required and installed at the owners/operators sole expense. Covers shall have a gas tight fit. The gravity grease interceptor shall be designed, constructed, and installed for adequate load-bearing capacity. Flow control devices shall be required where the water flow through the gravity grease interceptor may exceed its rated flow. Interceptors shall be installed in a location outside of the building and which provides easy access at all times for inspections, cleaning, and maintenance, including pumping. Nothing shall be stored on top or built over the gravity grease interceptor covers.
- (2) Capacity. Gravity grease interceptor capacity calculations shall be performed by each food service facility based on size and type of operation according to the formula contained in Tables 1003.4.1 and 1003.5.1 of the Florida Plumbing Code and the sizing methods contained in PDI G101 and its appendices A1.0 thru A1.7, where applicable. Minimum capacity of any one unit shall be seven hundred fifty (750) gallons as required by the Florida Plumbing Code. Maximum capacity of any one unit shall be one thousand two hundred fifty (1,250) gallons. Where sufficient capacity cannot be achieved within a single unit, installation of gravity grease interceptors in series is required. Prior to the installation of the gravity grease interceptor(s), the City shall approve the gravity grease interceptor(s) capacity calculations. The capacity of the gravity grease interceptor(s) required for food manufacturing or processing facilities which are not covered by the Florida Plumbing Code shall be approved by the City according to the mass and type of food prepared, the wastewater volume produced from food preparation or manufacture, total hours of operation per day and a load factor depending on the installed equipment.
- (3) Pumping, and maintenance. Each food service facility shall be solely responsible for the cost of the gravity grease interceptor installation, inspection, cleaning, and maintenance. All food service facilities with gravity grease interceptors shall contract with and utilize a grease hauler. Pumping services shall include the initial complete removal of

all contents, including floating materials, wastewater, and bottom sledges and solids from the interceptor. The return of gray water back into the gravity grease interceptor from which the wastes were removed is strictly prohibited. Gravity grease interceptor cleaning shall include scraping excessive solids from the walls, floors, baffles, and all pipe work. It shall be the responsibility of each food service facility to inspect its gravity grease interceptor during the pumping procedure to ensure it is properly cleaned out and all fittings and fixtures inside the interceptor are in good working condition and functioning properly.

(4) *Pumping frequency.* Each food service facility shall have its gravity grease interceptor(s) pumped at a minimum frequency of once every calendar month. In addition to required monthly pumping, the City of Jacksonville Beach may determine by monthly or bi-monthly core sampling inspection that additional pumping is required or more interceptor space is needed if the following criteria cannot be met with the existing grease interceptor space:

a. When the floatable grease layer exceeds six inches (6") in depth as measured by an approved dipping method.

b. When the settled solids layer exceed eight inches (8") in depth as measured by an approved dipping method.

c. When the total volume of captured grease and solid material displaces more than twenty percent (20%) of the capacity of the interceptor as calculated using an approved dipping method.

d. When the interceptor is not retaining or capturing fats, oils, and greases or the removal efficiency of the device, as determined through sampling and analysis, is less than eighty percent (80%).

(5) *Inspection.* The City shall inspect gravity grease interceptors as necessary to assure compliance with this Article as well as adherence to proper cleaning and maintenance schedules.

(6) *Repairs.* The food service facility shall be responsible for the cost and scheduling of all repairs to its gravity grease interceptor(s). Repairs required by the City shall be completed within fourteen (14) calendar days after the date of written notice of required repairs is received by the food service facility unless a different schedule is approved by the City in writing.

(7) *Disposal.* Waste removed from any gravity grease interceptor shall be disposed of at a facility permitted to receive such waste. Neither grease nor solid material removed from a gravity grease interceptor shall be

returned to any gravity grease interceptor, private sewer line or to any portion of the City's wastewater collection system or water reclamation facilities without prior written approval of the City of Jacksonville Beach Public Works Director.

(8) Record keeping. The food service facility shall maintain records including the date and time of all cleaning and maintenance, details of any repairs required, and dates of repairs for each gravity grease interceptor in a bound logbook and shall make the logbook available for inspection by the City on request. Additionally, each food service facility shall maintain a file on site and available at all times for inspection and review by the City which contains the following information:

a. The as-built drawings of the plumbing system.

b. Records of all inspections.

c. Receipts of all repairs.

d. Log of pumping activities.

e. Log of maintenance activities.

f. Grease hauler information.

g. Disposal information.

h. Records shall be kept for a period of three years from time of cleaning or repair.

(f) Variance procedure. If a food service facility determines that monthly pumping of the gravity grease interceptor is unnecessary in order to remain in compliance with the criteria of Section 32-183(e) above, the food service facility may make written application for a variance from the monthly pumping requirements to the City. The variance procedure shall be as follows:

(1) The food service facility shall submit an application for a variance on a form provided by the City along with the appropriate application fee if required. The application shall include the next scheduled date and time for pumping and cleaning of the gravity grease interceptor(s).

(2) The City shall observe the pump out procedure and inspect the gravity grease interceptor(s) on the scheduled date and time.

(3) If the gravity grease interceptor(s) is in good working condition during

the initial inspection, the City shall re-inspect the gravity grease interceptor(s) approximately one month after the initial inspection. If there is less than four inches (4") of surface grease and less than six inches (6") of bottom solids at the time of this re-inspection, the gravity grease interceptor(s) will not need to be pumped out at that time.

(4) After the initial re-inspection the City shall inspect the gravity grease interceptor(s) at intervals of approximately every ten (10) working days to determine the grease and solids levels using a dipping method approved by the City.

(5) When either the level of grease reaches six inches (6") or the level of solids reaches eight inches (8"), the City shall use the number of days from the initial pumping date to the final re-inspection date as the new pumping frequency requirement to be included in the variance granted.

(6) At all times, pump-out and cleaning of a gravity grease interceptor(s) shall be required at least one every one hundred eighty (180) days.

(g) *Interceptor additives.* Any chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives shall be approved, in writing, by the City prior to their use by the food service facility or grease hauler. Material Safety Data Sheets (MSDS) and any other applicable information concerning the composition, frequency of use, and mode of action of the proposed additive shall be sent to the City together with a written statement outlining the proposed use of the additive(s). Based on the information received, the facility premises (including a list of all equipment), raw materials, chemicals used or stored, MSDS, and any other information received from the food service facility or supplier, the City shall permit or deny the use of the additive in writing. Permission to use any specific additive may be withdrawn by the City at any time.

(h) *Alternative grease removal devices or technologies.* Alternative devices and technologies such as automatic grease removal systems shall be subject to written approval by the City prior to installation. Approval of the device shall be based on demonstrated and proven removal efficiencies and reliability of operation.

(i) *Lift station.* When a lift station is required it shall have a high level alarm that is audio and visual with a City approved sign stating the contact name and phone number for response in the event the alarm sounds.

Section 32-184. Administrative enforcement and abatement.

(a) *Food service facility enforcement.* Enforcement actions against food service facilities determined to be in violation of this Article shall be as follows:

(1) *Notice of violation.* A Notice of Violation (NOV) shall be issued to a

food service facility for any one or more of the following reasons:

- a. Failure to properly maintain the hydro-mechanical grease interceptor(s), the gravity grease interceptor(s) or any alternative grease removal device or technology in accordance with the provisions of the fats, oil, and grease discharge certificate and this Article.
- b. Failure to report significant changes in operations or wastewater constituents and characteristics.
- c. Failure to maintain the required records and logbook on site at all times.
- d. Failure to report pumping activities or the use of an unauthorized pumping company.
- e. Failure to provide logs, files, records or access for inspection or monitoring activities.

(2) Notice of Violation response.

- a. Any NOV issued will state the nature of the violation, corrective action required, and timeframe for corrective measures. A food service establishment shall respond to the City in writing within seven (7) calendar days of receipt describing how the non-compliance occurred and what steps will be taken to prevent the re-occurrence.
- b. A food service facility that violates, remains in non-compliance, has repeated non-compliance issues or fails to initiate and complete corrective action in response to a NOV shall be subject to one or more of the following:
 1. Actual cost for compliance inspections, costs associated with service calls for sewer line blockages, line cleaning, and any or all labor, materials, and equipment required in response.
 2. Continued non-compliance may result in suspension of utility services if the food service facility presents danger to the health and welfare of the public or the environment.
 3. Notice to appear before the City's Special Magistrate pursuant to Article VI, Chapter 2 of the City of Jacksonville Beach Code of Ordinances.

SECTION 3. INCLUSION IN CODE. The City Council intends that the provisions of this Ordinance shall become and shall be made part of Chapter 32. Utilities of the Code of the City of Jacksonville Beach, that the sections of this Ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY. It is hereby declared to be the intention of the City Council for the City of Jacksonville Beach that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code shall be declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

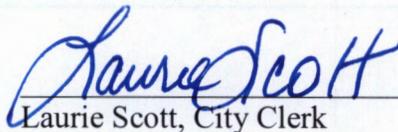
SECTION 5. CONFLICTING ORDINANCES. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect upon its adoption in accordance with applicable law.

AUTHENTICATED THIS 18th DAY OF November, A.D., 2019.



William C. Latham, Mayor



Laurie Scott, City Clerk