

ORDINANCE

NO. OR04-2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS AMENDING TITLE IX, “GENERAL REGULATIONS,” OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 94, “REGULATIONS OF FOOD ESTABLISHMENTS, RETAIL FOOD STORES, MOBILE FOOD UNITS AND ROADSIDE FOOD VENDORS,” BY AMENDING SECTION 94.10, “GREASE TRAPS,” BY ADOPTING A STANDARD SIZING CHART FOR GREASE TRAPS, CREATING AN EXCEPTION FOR PROPERTIES LOCATED IN DOWNTOWN, AND SPECIFYING STANDARDS OF CLEANLINESS AND MAINTAINENCE OF INDOOR GREASE TRAPS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cleburne, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City has adopted regulations requiring the installation and operation of grease interceptors for restaurants and other businesses that discharge or have the potential to discharge fats, oils, and grease into the public sewer system; and

WHEREAS, the City Council recognizes that such devices represent a substantial cost and require a substantial dedication of space within or adjacent to a commercial building; and

WHEREAS, the City Council desires to provide more flexibility to businesses within the historic downtown of Cleburne, where adequate space for traditionally-sized grease interceptors may not be available; and

WHEREAS, the City Council finds it beneficial to adopt a standardized sizing chart and specific cleaning and operational guidelines for businesses that are required to use a grease interceptor; and

WHEREAS, the City Council has held a public hearing with respect to the amendment of the Code of Ordinances as required by law; and

WHEREAS, the City Council finds that this ordinance is in the best interest of the City and furthers the public health and welfare of the City.

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

SECTION ONE. That Title IX, “GENERAL REGULATIONS” of the City of Cleburne Code of Ordinances are hereby amended to read as follows:

§ 94.10 GREASE TRAPS.

(A) Applicability and Minimum Size.

- (1) All food establishments must be equipped with a grease trap. A plumbing permit must be obtained by a licensed plumber prior to installation of a grease trap. Day care centers and churches with commercial kitchen operations are included as food establishments.
- (2) Grease traps shall be installed and sized in accordance with the currently adopted plumbing code or the sizing chart adopted by ordinance 04-2022-xx or its successor ordinances, whichever requires a larger trap. The chart must be updated by ordinance every five years to account for advances in technology and changes in best practices based on a survey of benchmark cities.
- (3) The applicant may request the use of a smaller trap according to the following process:
 - (a) If the sizing chart requires a size that is larger than the plumbing code, the Health Inspector may grant the use of a smaller trap sized according to the plumbing code;
 - (b) If the plumbing code requires a size that is larger than the sizing chart, the Building Official may grant the use of a smaller trap sized according to the chart.
- (4) Dishwashers and food waste grinders are not acceptable substitutes for a grease trap and will not be permitted in lieu of a grease trap.

(B) Location of Grease Traps. Grease traps installed in food establishments shall be located outside of the establishment unless approved in writing by the Health Inspector, or authorized designee.

- (1) A grease trap shall not be installed in any part of a building where food is handled or stored. Grease traps shall be located to be easily accessible for cleaning and where equipment or personnel servicing the trap would not pass through food handling or storage areas.
- (2) Wastewater sample ports must be located in an area with 24-hour access, outside the building, after the grease trap and before co-mingling with other wastewater.

(C) Exceptions.

- (1) Roadside vendors, temporary food establishments, day care centers and churches without a commercial kitchen, and concession stands are exempt from the requirement of grease traps. The Health Inspector may grant other exceptions based upon food operations.
- (2) Mobile food vendors are required to have a central preparation kitchen that complies with Texas Food Establishment Rules within Texas Administrative Code.
- (3) *Downtown.* Within the Downtown area as identified on the adopted Future Land Use Map, the Building Official may issue a permit for an alternative size and type of grease trap, including a trap that is located inside a building, if the trap is certified in writing by a licensed engineer.
 - (a) Once the trap is installed, the trap must be operated per manufacturer specifications. Manufacturer specifications must be provided to the Health Inspector and retained on

site for compliance verification of waste removal schedule and health permit requirements.

(b) Oils, fats, and greases must be removed from the trap per manufacturer specifications or as often as deemed necessary by the Health Inspector to maintain sanitary conditions within the building and to prevent such oils, fats, and greases from entering the City sewer system.

(D) *Cleaning and Sanitation.* All areas surrounding treatment devices, sample ports and holding tanks shall be kept clean and free of fats, oils and grease, and other wastes that create odors or attract pests. Additionally, these areas shall be maintained to facilitate immediate access for cleaning by the user and inspection by the city at all times.

(1) Wastes shall not be spilled, splashed, allowed to overflow, or otherwise placed on the area surrounding treatment devices.

(2) In the event wastes are spilled, splashed, allowed to overflow, or otherwise placed on the area surrounding the treatment device, the owner or operator of the business is responsible for cleaning all waste from the area and ensuring that the waste is properly removed according to § 94.10(D) and (E).

(3) A user shall not remove any inlet or outlet piping or otherwise alter a treatment device in any way which may allow fats, oils and grease, flammable wastes, sand or other objectionable wastes to pass through the treatment device into the wastewater collection system.

(4) During cleaning activities, residues shall be removed from piping and walls of the treatment devices. Additionally, the piping and walls of the treatment device shall be inspected to assure the integrity of the device is maintained.

(E) *Waste Removal Schedule.* All grease trap waste shall be pumped and removed, and its tanks thoroughly cleaned at least once every three months.

(1) Any deviation from this schedule must be granted in writing from the Health Inspector.

(2) The Health Inspector may require additional pumping, increase the frequency of cleanings, or require immediate pumping of a grease trap if the Health Inspector deems it necessary in order to prevent grease from entering the city sanitary sewer system.

(3) Treatment devices shall be maintained in an efficient operating condition by the owner or operator at his expense and shall produce a discharge that complies with this division, other sections of this article, and city ordinance §51 Water and Sewer Industrial Wastes.

(4) Any establishment who utilizes microorganisms in any grease trap within the city will still be required to comply with the aforementioned pumping schedule.

(F) *Transportation.* All grease waste must be transported by a grease waste hauler licensed by TCEQ. The grease hauler is responsible for proper disposal of grease waste in an approved permitted site. It is the responsibility of the grease waste hauler to forward a copy of each waste trip ticket to the regulatory authority.

(G) *Enforcement Remedies.* If the property owner fails to maintain a grease trap in a sanitary working condition or fails to comply with any other provision or requirement of this Section

94.10, the City may pursue any administrative remedy at its disposal to protect the public health, including discontinuance of water or electrical service, revocation of Certificate of Occupancy, or issuance of an Industrial User Wastewater Discharge Permit with stipulated regulatory compliance.

(H) *Change of Operation*. If a property changes its use, or a use changes its operations, such as adding or expanding a commercial kitchen, the City may require that a grease trap be installed or that an existing trap be increased in size. The Building Official may withhold issuing a Certificate of Occupancy until the grease trap has been installed to the size and capacity required under this chapter.

SECTION TWO. Sizing Chart. That Exhibit “A” – Sizing Chart be adopted as the official reference used by the City to determine sizing of grease interceptors. The sizing chart must be regularly updated by ordinance to reflect advances in technology and changes in best practices based on a survey of benchmark cities.

SECTION THREE. Downtown Area Exception. The Building Official may issue a permit for grease interceptor installed within the area shown in Exhibit “B” – Downtown Area Boundary that is exempt from sizing and location restrictions when an operator submits and receives approval of plans that are stamped by a licensed engineer and that are maintained and operated in a manner consistent with Section 94.10, as adopted and amended.

SECTION FOUR. Cumulative Clause. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION FIVE. Severability Clause. That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION SIX. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the subdivision ordinance, as amended, or any other ordinances affecting subdivision regulations 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 SEVEN. Penalty Clause. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the

provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense.

SECTION EIGHT. Publication Clause. The City Secretary of the City of Cleburne, Texas, is directed to publish the caption, including the penalty of this Ordinance at least once within 10 days after its passage in the official newspaper of the City of Cleburne, Texas, as authorized by Section 3.16 of the Cleburne City Charter.

SECTION NINE. Effective Clause. This Ordinance shall become effective after the date of its passage and upon its publication as required by law.

PASSED AND APPROVED this the 26th day of April, 2022 at a Regular Meeting of the City Council of the City of Cleburne, Texas.

CITY OF CLEBURNE

By: _____
Scott Cain, Mayor

ATTEST:

Ivy Peterson, City Secretary