

Borough of Matawan

Notice of Pending Ordinance 18-11

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on June 6, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on June 19, 2018 at 7:00 o'clock pm. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 18-11

AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MATAWAN APPENDIX I – HEALTH CODE CHAPTER BH:III – RETAIL FOOD ESTABLISHMENTS; FOOD AND BEVERAGE VENDING MACHINES BY ADOPTING A REGULATORY PLAN FOR THE MONITORING OF GREASE TRAPS FOR FOOD SERVICE ESTABLISHMENTS

WHEREAS, the Borough of Matawan does not currently regulate grease interceptors, and impose obligations upon business owners/operators by requiring a contract with a Renderer and Recycler of Grease and Vegetable Oil YELLOW (FRYER) GREASE as defined by NJDEP: http://www.nj.gov/dep/dshw/recycling/renderers_list.htm for the cleaning of grease interceptors and removal of used grease product; and

WHEREAS, the Ordinance within shall include requirements for regulating the safe grease discharge into the sanitary sewer system and monetary penalties for non-compliance with the Ordinance; and

WHEREAS, cleaning of grease interceptors, particularly in those establishments generating normal amounts of grease, will now require a Recycler; and,

WHEREAS, evidence of grease interceptor cleaning and maintenance can be achieved by requiring the retention of on-site records including logs which reflect the date of service and receipts from a Renderer and Recycler detailing disposal of grease interceptor contents; and,

WHEREAS, it is sound public policy to encourage the self-policing of food service establishments by having a methodology for the containment of grease that flows into the public water/sewer system of the Municipality; and,

WHEREAS, failure of systems that do not properly address grease flowing in the sewer system is a burden on the public infrastructure and pollutes our environmental ecosystem; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Matawan as follows:

Section 1. The purpose of this Chapter shall be to establish rules, regulations, and standards for grease interceptors so as to ensure proper maintenance, operation, and longevity of sanitary sewers in the Borough and to ensure protection of the environment.

A. Definitions. As used in this chapter the following words and terms shall have the following meanings:

1. “Fats” shall mean substances that are primarily fatty acid esters of alcohol glycerol, also called acylglycerols, neutral fats or glycerides which are a major component in fat cells of plants and adipose cells of animals.
2. “Retail food establishment” shall mean a business licensed by the Borough Health Department of Matawan NJAC 8:24 to prepare, serve, or otherwise make foodstuffs available for human consumption with or without charge.
3. “Grease interceptor” shall mean a device designed for removing and or preventing fats, oils, and grease from entering the sanitary sewer and shall include “grease traps.”
4. “Grease trap” shall mean a devise for separating or retaining waterborne greases and grease complexes prior to wastewater exiting the trap and entering the sanitary sewer.
5. “Grease” shall mean fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty material from animal or vegetable sources, or from hydrocarbons of petroleum origins, commonly found in wastewater from food preparation and food service.
6. “Renderer and Recycler” of Grease and Vegetable Oil YELLOW (FRYER) GREASE as defined by NJDEP: http://www.nj.gov/dep/dshw/recycling/renderers_list.htm.

B. A Grease interceptor shall be required by all: Retail food establishments which produce grease or oil laden wastes shall have grease interceptors as required in the New Jersey Uniform Construction Code 5:23, Subchapter 3.15, Plumbing Subcode as the same may from time to time be amended and supplemented.

1. All Food Service Establishment must have on site:
 - a. An interceptor maintenance log for the last 12 months detailing cleaning with the date, specific interceptor, and person or licensed firm performing maintenance;
 - b. Copies of manifests, receipts, or other documentation confirming proper disposition of grease interceptor waste by a Renderer and Recycler shall be reflected in the interceptor maintenance log.

C. Grease interceptor requirements shall be mandatory for all Food Service Establishments, unless a specific Exemption Certificate has been issued by the Health Officer, due to

inapplicability for the use undertaken by the establishment. The Exemption Certificate must be posted prominently in the Food Service Establishment.

1. Grease interceptors shall be installed in accordance with the New Jersey Uniform Construction Code 5:23, Subchapter 3.15, Plumbing Subcode as the same may from time to time be amended and supplemented.
2. Grease traps shall have the grease retention capacity as indicated in the Plumbing Subcode, in accordance with NJAC 5:23-3.15 and as the same may be from time to time be amended and supplemented.
3. Grease interceptors shall be inspected, cleaned, and emptied at a frequency adequate to prevent the volume of grease from exceeding the grease interceptor's grease retention capacity.
4. Cleaning and emptying of grease interceptors shall be carried out in a manner that will prevent spillage of the interceptor's contents upon the ground. If spillage should occur, the area of the spill shall be disinfected using a suitable chlorine-based compound.
5. All containers used to temporarily store grease interceptor waste shall have tight fitting lids so as to prevent spillage of contents and the attraction of vermin. All indoor or outdoor storage areas wherein said containers are located shall be maintained in a sanitary manner at all times.
6. All containers used to temporarily store grease interceptor waste shall be removed from the premises by a licensed Renderer and Recycler. All containers shall be removed and/or serviced by a licensed Renderer and Recycler at regular intervals so as to prevent odors, attraction of vermin, and nuisances.
7. Grease interceptor logs and documentation required for renewal of grease interceptor registrations shall be kept on the premises for a minimum of three (3) years and be available for inspection by authorized Borough officials.
8. No emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any other grease liquefying agent shall be placed directly into grease interceptor to liquefy waste and/or in lieu of proper removal of waste.

D. Revocation or suspension of business license.

The Borough of Matawan Health Inspector may recommend the Borough revoke a business license registration if the holder is found to be in serious violation of this chapter and/or fails to provide access to any authorized Borough Official for the purpose of inspection or monitoring of a grease interceptor or removal records, or refuses to provide a record of the maintenance log provided in Sec. 1, B (a)(1) et. seq.

E. Violations and penalties.

1. Where a blockage occurs in any sanitary sewer line due to the accumulation of grease, the licensed sewer operator, Public Works Director, and/or Assistant Superintendent of Public Works or his/her designee shall certify in writing to the Health inspector the identity of the retail food establishment which caused the blockage.

2. The Borough Health Inspector or his/her designee shall issue a summons to the registered owner of the retail food establishment as identified in the license information filed and maintained in the office of the Clerk that is in violation of this ordinance.
 - a. For a first offense, the establishment shall be fined “a sum of not less than \$100.00 for a violation of this chapter.
 - b. For a second or subsequent offense, the establishment shall be fined a sum of no less than \$500.00 and not more than \$1,250.00 per violation.
3. Any person who shall violate or fail to comply with the requirements of this chapter shall, upon conviction, be subject to the penalties set forth in BH:3-4 of the Code of the Borough of Matawan. Each violation shall be deemed a separate and distinct offense. Said penalty shall be in addition to and not in lieu of any other remedy or penalty as provided by law.

F. Enforcement.

This chapter shall be enforceable by the Borough Health Inspector or his/her designee, the Borough Plumbing Inspector, Director of Public Works, and Assistant Superintendent of Public Works.”

Section 2. All Ordinances of the Borough of Matawan that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. The provisions of this ordinance may be renumbered for purposes of codification.

Section 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.