

Borough of Matawan
201 Broad Street
Matawan New Jersey 07747
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Public Notice of Pending Ordinance 24-13

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 May 21, 2024. 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 6, 2024 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 24-13

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN APPENDIX I – HEALTH CODE, CHAPTER BH:3 – RETAIL FOOD ESTABLISHMENTS; FOOD & BEVERAGE VENDING MACHINES, SECTION BH3-1 – GREASE TRAPS

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan, Monmouth County, New Jersey, amending and supplementing the revised General Ordinances of the Borough of Matawan Appendix I – Health Code, Chapter BH:3 – Retail Food Establishments; Food & Beverage Vending Machines, Section BH3-1 – Grease Traps as follows:

Section BH3-1 GREASE TRAPS

BH3-1.1 Purpose.

The purpose of this section 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.

BH3-1.2 Definitions.

As used in this section the following words and terms shall have the following meanings:

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.

FATS, OIL AND GRASE (FOG)

Means “fats, oil, and grease” often produced by food handling facilities and which includes all non-petroleum polar compounds derived from animal or plant sources which are detectable and measurable using analytical test procedures established in 40 C.F.R. Part 136.

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.

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."

GREASE TRAP

Shall mean a device for separating or retaining waterborne greases and grease complexes prior to wastewater exiting the trap and entering the sanitary sewer.

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.

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.

BH3-1.3 REQUIRED.

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.

- a. All food service establishments shall ~~must~~ have on site:
 1. An interceptor maintenance log for the last 12 months detailing cleaning with the date, specific interceptor, and ~~person or~~ licensed firm performing maintenance;
 2. 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.

BH3-1.4 Requirements

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~~ shall at all times be posted prominently in the food service establishment.

- a. 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.
- b. 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.
- c. ~~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.~~

Grease traps shall be cleaned as frequently as necessary to ensure the unit is working effectively. At a minimum, grease traps shall be cleaned after 75% of the design storage capacity is reached or once every three months, whichever is more frequent. Grease traps shall be cleaned by fully evacuating the trap of all FOG and other liquids and solids. Side walls and baffle(s) will be scrapped as necessary to remove accumulated debris. FOG shall be disposed of in accordance with applicable local, state, and federal laws and regulations. Care must be

taken during cleaning to prevent any FOG from entering the sanitary sewer system. The Borough requires that all Grease trap cleanings must be performed by a third party professional service.

- d. 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.
- e. 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.
- f. All containers used to temporarily store grease interceptor waste shall be removed from the premises by a licensed renderer and recycler of such grease waste. 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.
- g. Grease interceptor logs and documentation required for renewal of grease interceptor registrations shall be kept on the premises for a minimum of three years and be available for inspection by authorized Borough officials. The licensed premises shall maintain the record identifying the name, address and telephone number of the licensed contractor who removes the grease waste.
- h. After cleaning, the trap shall be filled with fresh cool water prior to operations. No Hot water and emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any other grease liquefying agent shall not be placed directly into grease interceptor to liquefy waste and/or in lieu of proper removal of waste as they may cause FOG to bypass the trap and enter the sanitary sewer system.

BH3-1.5 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 subsection BH3-1.2a1 et seq.

Inspections

- 1. The establishment shall use a cleaning log to document when a grease trap is cleaned, who the grease trap was cleaned by, and the volume of solids removed. All food establishments must employ, at their own cost and expense, a licensed plumber to conduct an annual inspection of their grease traps and connecting wastewater lines to ensure that the FOG is being adequately removed from the wastewater before being discharged into the sanitary sewer system. The licensed plumber shall provide a formal inspection report to the food establishment within 2 weeks of the inspection. The inspection report shall include, but not be limited to, the

maintenance and efficiency of the grease trap, amount of oil and grease found in connecting wastewater lines, percentage of oil and grease being removed from wastewater being discharged into sanitary sewer system and temperature of the wastewater. At a minimum, the establishment shall maintain records for the preceding twelve-month period. Receipts or other proof of service must be kept with the cleaning log. The cleaning log and all applicable receipts must be submitted to the Property Maintenance Officer/Health Officer or their designee upon request.

2. The Borough Property Maintenance Officer, Health Officer and/or Plumbing Inspector or their designee shall perform grease trap inspections as often as the Borough deem appropriate, but at least once annually. Upon the request of Property Maintenance Officer, Health Officer and/or Plumbing Inspector or their designee, a representative of the establishment must open the grease trap and make accessible the trap and any areas of the facility which may handle FOG.
3. The Sewer Department or designee may, from time to time, conduct video inspections of sewer mains and sewer laterals. If excess accumulation of FOG is observed in the lateral servicing an establishment, that establishment shall be in violation of this section.

BH3-1.6 Violations and Penalties.

- a. 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 their designee shall certify in writing to the **Property Maintenance Officer and Health Officer** the identity of the retail food establishment which caused the blockage.
- b. The Borough **Property Maintenance Officer and/or Health Officer or their 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 Borough Clerk that is in violation of this section.
 1. For a first offense, the establishment shall be fined a sum of not less than \$100.00 for a violation of this section.
 2. 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.
- c. 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 BH3-4 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.

BH3-1.7 Enforcement.

This section shall be enforceable by the **Property Maintenance Officer and/or Health Officer or their designee**, ~~Borough Health Inspector or his/her designee~~, the Borough Plumbing Inspector, Director of Public Works, and Assistant Superintendent of Public Works.

BH3-2 CODE ESTABLISHED.

The code established and adopted by this chapter is described and commonly known as Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (1993).

BH3-3 PUBLIC RECORD.

Three copies of the Sanitation in Retail Food Establishments and Food and Beverage Vending Machines have been placed on file in the office of the Borough Clerk in Borough Hall for the use and examination of the public.

BH3-4 FEES.

The fees for licenses under this section shall be as follows.

- a. Retail food establishments selling only pre-packaged foods, \$35 per year.
- b. Restaurants, Luncheonettes, Taverns, Cafeterias.

Group	Seating Capacity	Annual Fee
1. Group I	1 — 50	\$100.00
2. Group II	51 — 100	200.00
3. Group III	101 — 200	300.00
4. Group IV	Over 200	400.00

- c. Supermarkets.

1. Up to 1,000 sq. feet	\$50.00
2. 1,000 to 2,000 sq. feet	80.00
3. 2,001 to 3,000 sq. feet	150.00
4. 3,001 to 4,000 sq. feet	200.00
5. 4,001 to 6,000 sq. feet	500.00
6. Over 6,000 sq. feet	1,000.00

d. Miscellaneous

1. Take out food	\$100.00
2. Soda Fountains, Snack Bars, Stands	50.00
3. Mobile Units (hot dog wagons, catering trucks)	250.00
4. Vending Machines	
Non-food	50.00
Food	100.00
1-cent machine	5.00

e. Food Handling Permits – Temporary:

Maximum 10 days for carnivals, fairs, etc.	\$50.00
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f. (Reserved)

g. Re-Inspection Fee:

The fee for re-inspection of a food establishment or vending machine due to a conditional satisfactory or unsatisfactory inspection shall be \$100 added to the license fee for that establishment.

h. Fee for Review:

For review of plans needed in the construction or renovation of food establishments, public recreation bathing facilities or for development of subdivisions or where otherwise plan review is required by the County Health Officer, a fee of \$100 will be collected.

BH3-5 VIOLATIONS, PENALTIES, SUSPENSIONS OR REVOCATION.

It shall be unlawful for any person to conduct a Retail Food Establishment which is rated "Unsatisfactory" by the County Health Officer. Any person who violates this provision shall be subject to arrest and imprisonment for a period not to exceed 10 days.

Any person violating any provision of this section shall, upon conviction thereof, in addition to the suspension or revocation of such license, shall be punished by the payment of a fine not less than \$100 nor more than one thousand (\$1,000.00) dollars for each offense. Each day which the offense occurs shall constitute a separate offense.

BH3-6 MANAGERS OF RETAIL FOOD ESTABLISHMENTS.

a. Every person who is charged with supervision of the operation of a retail food establishment shall successfully complete, within one year of the commencement of his employment, a course in food handling, acceptable to the County Health Officer.

- b. The County Health Officer may, at his or her discretion, when found necessary, require such persons to attend supplemental courses.
- c. No retail food establishment shall employ a supervisor in charge of its operation unless he or she complies with paragraph a. of this Section.

BE IT FURTHER ORDAINED, any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

BE IT FURTHER ORDAINED, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to New Jersey State law.

Deletions are strikethrough

Additions are yellow highlighted