

May 25, 2005

City Council Meeting
June 14, 2005

Mayor and Members
of the City Council

ORDINANCE NO. 05-1250 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE PLUMBING CODE (CHAPTER 15.16) TO REQUIRE THE RETROFITTING OF GREASE REMOVAL SYSTEMS FOR FOOD SERVICE ESTABLISHMENTS, PROVIDING FOR ANNUAL INSPECTION OF GREASE RECOVERY SYSTEMS IN ALL FOOD SERVICE ESTABLISHMENTS AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE."

Submitted for **waiver of full reading** and **adoption** is Ordinance **No. 05-1250**, relating to the above subject.

At the meeting of May 24, 2005, the ordinance was presented to the City Council for consideration and was amended in Section 5 to increase the deadline for full compliance from 180 days to one year from adoption of this ordinance, and in Section 7 to add plumbing and electrical permits to the fees that will be waived if the grease recovery system is installed within 180 days of the effective date of this ordinance. The ordinance, as amended, was then introduced by the following vote:

AYES:	Edgerton, Keegan, Tucker, Yoon, Mayor Reviczky
NOES:	None
ABSENT:	None
ABSTAIN:	None

Elaine Doerfling, City Clerk

Noted:

Stephen R. Burrell, City Manager

ORDINANCE NO. 05-1250

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING THE PLUMBING CODE (CHAPTER 15.16) TO REQUIRE THE RETROFITTING OF GREASE REMOVAL SYSTEMS FOR FOOD SERVICE ESTABLISHMENTS, PROVIDING FOR ANNUAL INSPECTION OF GREASE RECOVERY SYSTEMS IN ALL FOOD SERVICE ESTABLISHMENTS AND AMENDING THE HERMOSA BEACH MUNICIPAL CODE

The City Council of the City of Hermosa Beach does hereby ordain as follows:

SECTION 1. Findings. The City Council hereby finds as follows:

A. Cooking grease produced by restaurants and other businesses discharged into the City's sewer system causes sewer line blockages, which in turn create a number of problems such as:

- Sewer backups and overflows, which are offensive and a threat to public health;
- Discharge of backed-up sewage into storm drains, which degrades water quality in water courses and the ocean;
- The need for repeated and costly unclogging of city sewer lines;
- Breakage and reduced life of sewer lines, creating additional costs for the City and sewer users;
- Excessive grease sent to the wastewater treatment facility, which can overload the system and cause the facility to exceed its allowable discharge limits.

B. Grease recovery systems address the foregoing problems by capturing fats, oil, and grease ("FOG") from the flow of wastewater by the action of slowing down the flow of hot greasy water through the grease trap and allowing it to cool and collect. The cooler water continues to flow down the drainpipe, while baffles or filters prevent the accumulated grease and oil from flowing into the sewer.

C. The adoption of an ordinance to require existing restaurants and other businesses and institutional uses with commercial kitchens to install grease recovery systems, and to provide for annual inspection of grease recovery systems in all

commercial kitchens in the City serves to implement the City's permit obligations under the applicable National Pollution Discharge Elimination System ("NPDES") permit, advances the goals of the federal Clean Water Act, and furthers the public health, safety and welfare of the City and its residents.

SECTION 2. The City Council held a duly-noticed public hearing on May 24, 2005 to consider the amendment to the California Plumbing Code relative to grease recovery systems at which the Council took testimony from interested persons prior to deliberating and taking action on this Ordinance.

SECTION 3. Chapter 15.16 of Title 15 of the Hermosa Beach Municipal Code is amended by adding thereto a new Section 15.16.070 to read as follows:

"15.16.070. Retrofitting Existing Commercial Kitchens With Grease Recovery Systems.

Notwithstanding the provisions of Section 15.16.010, the Plumbing Code is amended as follows:

Section 1014.1.2 is added to Chapter 10 of the Plumbing Code to read as follows:

1014.1.2 For the purposes of Section 1014.1.3, the following terms shall have the following meanings:

- *Affected establishment* means all commercial and institutional food preparation and food service facilities which discharge wastewater or materials containing fat, oil or grease of a concentration exceeding 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 0 and 65 degrees Celsius (32-150 degrees F) at an access in nearest proximity to the point of discharge into the wastewater treatment system, generally including but not limited to restaurants, bakeries, assisted living facilities, convalescent homes, butcher shops, cafes, delicatessens, ice cream parlors, hotels, and grocery stores.
- *Grease* shall mean grease, or fatty or oily substances and other insoluble waste that turns or may turn viscous or solidifies with a change in temperature or other conditions.

- *Grease removal system* means any system that meets the requirements of this Code and functions to remove grease from drain water prior to its entry into the public sewer system.

Section 1014.1.3 is added to Chapter 10 of the Plumbing Code to read as follows:

1014.1.3 The retrofit installation of an approved grease recovery system shall be required for all affected establishments. The affected establishment shall have the option to install any of the required grease recovery systems separately or in combination as prescribed in Chapter 10. Plans or specifications prepared by a licensed professional engineer or a licensed plumbing contractor, where required, and the manufacturer's installation and maintenance instructions shall be submitted to the Community Development Department (CDD) for approval prior to installation. Any approvals and permits required for work in the public right-of-way shall be obtained from the Public Works Department."

SECTION 4. Chapter 15.16 of Title 15 of the Hermosa Beach Municipal Code is amended by adding thereto a new Section 15.16.080 to read as follows:

"15.16.080. Maintenance and Annual Inspection of Grease Recovery Systems in Commercial Kitchens.

Notwithstanding the provisions of Section 15.16.010, the Plumbing Code is amended as follows:

Section 1014.6.1 is added to Chapter 10 of the Plumbing Code to read as follows:

1014.6.1

1. *Maintenance/Monitoring.* It is the responsibility of the owner or operator of every establishment required to have a grease removal system to maintain the system in a sanitary, safe, and efficient operating condition so as to prevent grease from flowing into the sewer system. A grease removal system shall not be considered properly maintained if for any reason it is not in good working condition or if sediment and/or grease accumulations total more than 25 percent of the operative fluid capacity. It is the owner or operator's responsibility to provide for

removal of the accumulated grease and other waste contained in the system. Grease removed from such a system shall not be disposed of in the sanitary or the storm sewer.

2. *Inspection.* All owners/operators of establishments with grease recovery systems shall keep maintenance records and haulers manifests and shall allow City inspection of grease removal systems a minimum of once per calendar year. All applicable records shall be available to the Director or his representative upon request. An annual inspection fee in an amount set forth in the City's Master Schedule of Service Charges and Fees shall be paid by the owner/operator at the time of business license renewal."

SECTION 5. Affected establishments, as that term is defined in Section 1014.1.2 of the Plumbing Code, existing on the effective date of this Ordinance shall be in full compliance with the requirements of Section 15.16.070 of the Municipal Code within one year after the date of adoption of this Ordinance.

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An owner of an affected establishment may request that the City Council grant a time extension of up to 90 days beyond the required grease recovery system installation deadline. Grounds for such a time extension shall be limited exclusively to financial hardship. Requests shall be in writing, including written documentation of the financial hardship, and shall be filed with the Director of Community Development prior to the deadline date for installation. Documentation shall include audited financial statements, tax returns and similar documents as determined necessary by the Director demonstrating the owner's financial inability to comply within the deadline. The filing of such a request shall stay further action under this Ordinance until a final decision by the Council. The City Council may grant such a time extension of up to 90 days if it finds that an owner will suffer undue financial hardship by complying with the installation deadline.

SECTION 6. The Director of Community Development is directed to provide written notice to all affected establishments in existence on the adoption date of this Ordinance, notifying each of the adoption of this Ordinance, the requirements herein, and the schedule for compliance.

SECTION 7. The building, plumbing and electrical permits, plan check and the first annual reinspection fees shall be waived if the applicable grease recovery system has been installed within 180 days of the effective date of this Ordinance. Thereafter, all affected establishments shall comply with the fee requirements established in the City's Master Schedule of Service Charges and Fees.

SECTION 8. Adoption of this Ordinance is not a project within the meaning of the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the State CEQA Guidelines.

SECTION 9. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

SECTION 10. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the "Easy Reader", a weekly newspaper of general circulation published and circulated in the City of Hermosa Beach, in the manner provided by law.

SECTION 11. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and ADOPTED this 14th day of June, 2005, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney