

**CITY OF KANNAPOLIS
ORDINANCE**

BE IT ORDAINED by the City Council of the City of Kannapolis that Chapter 17, Article III "Sewers" of the Kannapolis Code of Ordinances is hereby amended by the addition of Section 17-72, as follows:

"Sec. 17-72. Fats, Oils, Grease and Medical waste Control Program

(1) Scope and Purpose

The objective of this program is to aid in preventing the introduction and accumulation of fats, oils, and greases and/or medical waste into the municipal wastewater system, which will or tend to cause or contribute to sanitary sewer blockages and obstructions. Food Service Establishments and other industrial or commercial establishments generating wastewater containing fats, oils or greases and/or medical waste are subject to this program. This program, regulates such users by requiring that grease interceptors/traps be installed, implemented, and maintained in accordance with the provisions hereof. It shall be the City of Kannapolis's responsibility to monitor and enforce compliance with this program in an effort to prevent the introduction of excessive fats, oils, and grease and/or medical waste into the system.

(2) Definitions

Unless the context specifically indicates otherwise, the meaning and terms used in this Section shall be as follows:

Commercial establishment shall mean any location where a person manufactures, packages, prepares, provides, serves, or makes available any meals, or food for sale, for monetary compensation, or for non-monetary consideration.

Fats, oils, and greases shall mean an organic polar compound derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. Also including any sludge, screening, or other residues from the pretreatment of FOG containing wastewater or non-pretreated wastewater. All compounds are sometimes referred to herein as "grease", "greases", or "FOG".

Food Service Establishments (FSE) shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Grease Trap or Interceptor shall mean a device for separating and retaining waterborne Greases and Grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids that settle, generated by and from food preparation activities, prior to the wastewater exiting the trap and entering the sanitary sewer

collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as "Grease Traps" and "Grease Interceptors".

Medical Waste shall mean any material to include but no limited to isolation wastes, infectious agents, human blood and blood products, animal blood and blood products, pathological wastes, sharps (medical term for devices with sharp points or edges that can puncture or cut skin), human body parts, animal parts, contaminated bedding, contaminated cloth, surgical wastes, and potentially contaminated laboratory wastes (all types to include human, animal, organic or inorganic).

Minimum Design Capability shall mean the design features of a Grease Interceptor and its ability to or volume required to effectively intercept and retain Greases from grease-laden wastewater discharged to the public sanitary sewer.

Non-Cooking Establishments shall mean those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include, but are not limited to, cold dairy and frozen foodstuffs preparation and serving establishments.

Oil shall mean any of numerous mineral, vegetable, and synthetic substances and animal and vegetable fats that are generally slippery, combustible, viscous, liquid or liquefiable at room temperatures, soluble in various organic solvents such as ether but not in water, and used in a great variety of products, especially lubricants and fuels. To include also cutting oils, motor oils and fuels, and lubricants and/or products of mineral oil.

User shall mean any person, firm or corporation including those located outside the jurisdictional limits of the City of Kannapolis, who contributes causes or permits the contribution or discharge of wastewater into the City of Kannapolis's sanitary sewer system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

(3) Grease Interceptor General Requirements

All Food Service Establishments shall have grease interceptors/traps approved by the Director of Water Resources or his designee. Grease interceptors shall be installed by Users as required by the City. Grease interceptors shall be installed and maintained at the User's expense. Grease interceptors may be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when they are deemed necessary by the Director or his designee for the proper handling of liquid wastes containing Grease. All Grease Interceptors shall be of a type, design, and capacity approved by the Director of Engineer or their designee, and shall be readily and easily accessible for User cleaning and City inspection. Any grease interceptor installed shall be sized and designed for the specific establishment by a Professional Engineer or Licensed plumber qualified to design these devices. Design calculations justifying the size and design along with a written operational procedure shall be submitted to the Director of Engineer or their designee for approval. Establishments whose grease interceptors are not adequately maintained to prevent floatable oils, fats or grease from entering the sewer system, shall be notified in writing of any noncompliance and required to provide a schedule whereby corrections will be accomplished, or will be subject to penalties, including having their water turned off.

(4) Maintenance Requirements:

(a) Provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow between the influent and effluent baffles, with twenty-five percent (25%) of the total volume of

the grease interceptor being allowed for any food-derived solids to settle or accumulate and floatable grease derived material to rise and accumulate, identified hereafter as sludge pocket and grease cap.

(b) Remove any accumulated grease cap and sludge pocket as required, but at intervals of no longer than thirty (30) days at the Users expense. Grease interceptors shall be kept free of any solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, and rags etc., which could settle into the sludge pocket and thereby reduce the effective volume of the grease interceptor.

(c) Pumping/cleaning of grease interceptors and traps shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids must comply with the requirements and procedures administered by the North Carolina Division of Waste Management and any other applicable requirements. All waste removed from each grease interceptor/trap shall be properly and lawfully removed, transported, and disposed of at a facility permitted in the North Carolina Division of Waste Management to receive such waste.

(d) The use of biological additives as a grease degradation or conditioning agent is conditionally permissible upon prior written approval by the Director of Water Resources or their designee. Any establishment using this method of grease abatement shall maintain the trap or interceptor in such a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved.

(e) The Director of Water Resources or their designee may make determinations of grease interceptor adequacy need, design, application, location, modification(s) and conditional usage based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and may require repairs to, or modification or replacement of grease interceptors.

(f) Any authorized representative of the City of Kannapolis shall have the right to enter any building, structure or premises during normal business hours to perform the duties imposed upon them in accordance with this ordinance. Refusal to allow the representative(s) to enter for these purposes shall result in a fine and the second refusal (after 24 hours of first refusal) shall result in the termination of water/sewer service. Refusal of access may also occur if a user fails to provide without unreasonable delay, such facilities, equipment, or devices as are reasonably necessary to permit personnel of the City, the approval authority or the Environmental Protection Agency from performing their duties in a safe manner. Unreasonable delays may constitute refusal of access. Any delay of more than five minutes may be considered unreasonable.

(5) Pumping/Cleaning Frequency:

(a) Grease Interceptors- Grease Interceptors shall be pumped and cleaned:

(i) At least once every 90 days (or more frequently as specified by City).

(ii) Anytime floatable grease layer exceeds six inches in depth as measured by an approved dipping method.

(iii) Anytime the settled solids layer exceeds eight inches in depth by an approved dipping method.

- (iv) Anytime the total volume of captured grease and solid material displaces more than 25 percent of the capacity of the interceptor as calculated using an approved dipping method.
- (v) Anytime the interceptor is not retaining/capturing FOG.
- (b) Grease Traps.
 - (i) At least once every 30 day (or more frequently as specified by City).
 - (ii) Anytime the total volume of captured grease and solid materials displaces more than 25 percent of the total volume of the trap.

(6) Record Keeping

The owner/operator shall maintain a written record of grease interceptor/trap maintenance for three (3) years. All such record shall be available for inspection by the City at all times. These records shall include:

- (a) Establishment/facility name and physical location.
- (b) Date of grease interceptor/trap service.
- (c) Time of grease interceptor/trap service.
- (d) Name of grease interceptor service provider.
- (e) Name and signature of grease interceptor service agent performing said service.
- (f) Established pumping frequency.
- (g) Number and size of each interceptor/trap serviced at establishment/facility.
- (h) Approximate amount, per best profession judgment of service provider, of grease and solids removed from each grease interceptor/trap.
- (i) Total volume of waste removed from each grease interceptor/trap (including liquids).
- (j) Destination of removed wastes, food solids, and wastewater disposal.
- (k) Signature/date of establishment/personnel confirming service completion.

(7) Medical Waste

Medical waste as defined in this policy is prohibited from being in the City of Kannapolis sanitary sewer system.

(8) Enforcement

(a) Release of wastewater into the public sanitary sewer system without the use of a required grease interceptor shall subject the violator to the penalties and enforcement as provided in Section 1- 14 of the City Code and shall be imposed as set forth in subsection (e) below.

(b) Failure to comply with the standards contained in this Section may result in termination of water/wastewater services.

(c) Failure to comply with the standards in this Section will result in notification to the respective County Health Department for request of additional enforcement action that result in revocation of food service or other applicable permit.

(d) All violation penalties, citations, and other enforcement actions shall be reviewed and approved by the Director of Water Resources or his designee.

(e) Grease Trap and Interceptor Violation Penalties:

Description of Violation	Grease Trap and Interceptor Violations Penalty	
	Grease Trap (generally under 500 gallons)	Grease Interceptor (generally over 500 gallons)
Failure to maintain and/or submit records (if records are provided within 5 business days the fee shall be waived)	\$100.00 per missing record	\$150.00 per missing record
Inspection Hindrance (to include refusal of entry)	\$100.00	\$500.00
Failure to maintain grease device	\$100.00 per maintenance event skipped	\$500.00 per maintenance event skipped
Failure to repair necessary equipment (fees double for each corrective action deadline not met)	\$250.00	\$500.00
Failure to install grease interceptor/trap	Up to \$5,000.00	Up to \$25,000.00
Causing or contributing to sewer blockage	Up to \$5,000.00	Up to \$25,000.00
Causing or contributing to a sanitary sewer overflow	Up to \$5,000.00	Up to \$25,000.00
Falsification of records	\$150.00 per instance	\$500.00 per instance
Chronic non-compliance may be subject to the disconnection of water/sewer services in addition to the above noted penalties. Non-compliance is defined as three or more separate violations within a 12 month period. To resume water/sewer services a plan for correction and future compliance shall be submitted by the owner/operator of the establishment and approved by the Director of Water Resources.		

(f) In determining the amount of the civil penalty, the Director of Water Resources shall consider the following:

- (i) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation.
- (ii) The duration and gravity of the violation.
- (iii) The effect on ground or surface water quantity or quality or on air quality.
- (iv) The cost of rectifying the damage.
- (v) The amount of money the violator saved by noncompliance.
- (vi) Whether the violation was committed willfully or intentionally.
- (vii) The prior record of the violator in complying or failing to comply with the program.
- (viii) The costs of enforcement to the City.

(g) Additional Establishments Regulated (non-Food Service Establishments):

Grease interceptors/traps are not required for apartment buildings and/or high density residential units. However, if an apartment building and/or high density residential area is found to be responsible for causing or contributing to a blockage or sanitary sewer overflow, enforcement action may include: ordering the cleaning of all sanitary waste lines throughout the property, assessment of penalties, and other actions.

Examples of additional establishments that are regulated by this Program include, but are not limited to, the following entities:

- (i) Medical facilities.
- (ii) Slaughterhouses.
- (iii) Apartments and high density residential units.
- (iv) Assisted living facilities / Nursing homes.
- (v) Industrial or manufacturing facilities.
- (vi) Laboratories.
- (vii) Veterinary facilities.
- (vii) Agricultural operations.
- (ix) Facilities that produce or use wax.
- (x) Gas stations or automotive maintenance facilities.

(h) **Miscellaneous Section 17-71 Violation Penalties:**

Description of Violation	Fats, Oils and Grease & Medical Waste Program and Sewer Use Violations Penalty
Inspection Hindrance (to include refusal of entry)	Up to \$500.00
Causing or contributing to sewer blockage	Up to \$25,000.00
Causing or contributing to a sanitary sewer overflow	Up to \$25,000.00
Falsification of records	Up to \$500.00 per instance
Chronic non-compliance may be subject to the disconnection of water/sewer services in addition to the above noted penalties. Non-compliance is defined as three or more separate violations within a 12-month period. To resume water/sewer services a plan for correction and future compliance shall be submitted by the owner/operator of the establishment and approved by the Director of Water Resources.	

(i) In determining the amount of the civil penalty imposed, the Water Resources Director shall consider the following:

- (i) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation.
- (ii) The duration and gravity of the violation.
- (iii) The effect on ground or surface water quantity or quality or on air quality.
- (iv) The cost of rectifying the damage.
- (v) The amount of money the violator saved by noncompliance.
- (vi) Whether the violation was committed willfully or intentionally.
- (vii) The prior record of the violator in complying or failing to comply with the program.
- (viii) The costs of enforcement to the City.

(9) **Search Warrant; Administrative Warrant**

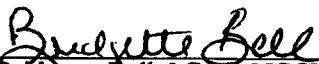
In the event the Water Resources Director, or his designee, or any governmental entity having jurisdiction, has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Section or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Water Resources Director, or his designee, and any governmental entity having jurisdiction, may seek issuance of a search warrant or administrative warrant.

(10) Sewer Use Ordinance

This policy contained in this Section is not intended and does not supersede the Water and Sewer Authority of Cabarrus County and/or City of Kannapolis Sewer Use Ordinances, but rather compliment said ordinances to reduce the fats, oils and greases and/or medical waste discharges into the City of Kannapolis sanitary sewer system.”

Adopted this 26th day of April, 2021.


Milton D. Hinnant, Mayor


Bridgette Bell, MMC, NCCMC
City Clerk