

STATE OF GEORGIA)

COUNTY OF CHATHAM)

**AN ORDINANCE TO AMEND ARTICLE V, CHAPTER 86 OF THE
CODE OF ORDINANCES FOR THE CITY OF POOLER,
GEORGIA TO ADD DIVISION 6, SECTION 86-256, TO REPEAL
CONFLICTING ORDINANCES; TO SET AN EFFECTIVE DATE
AND FOR OTHER PURPOSES.**

THE MAYOR AND COUNCILMEMBERS OF THE CITY OF POOLER, GEORGIA,
do hereby ordain as follows:

I.

Section 86-256 of the Code of Ordinances of the City of Pooler is hereby added as
follows:

**SECTION 86-256: STORAGE AND DISPOSITION OF GREASE FROM CERTAIN FOOD
PREPARATION OPERATIONS.**

(a) ***Declaration of purpose.*** It is hereby declared that the disposition of certain substances
and commodities created by parties engaged in food preparation activities of a substantial
quantity are in need of regulation pertaining to the disposal and transport of them.

(b) ***Definitions.*** The following definitions shall apply:

(1) The term "grease" shall refer to all substances and byproducts which are
employed in, created by, or derived from a food preparation activity by
which a residue of cooking grease or related substances results from those
activities which accumulate and are in need of disposal by procedures for
storage and removal during or at the conclusion of any cooking operation
or activity.

(2) The term "generator" shall refer to the party which is engaged in cooking
or related activity which results in the existence, accumulation and storage
of grease which is in need of disposal.

- (3) The term "collector" shall refer to any party which is engaged in the removal, transportation, and/or disposition of grease from the premises or operation whether it be the generator or another party who performs such services for hire or compensation.
 - (4) The term "party" or "parties" shall refer to any natural person, corporation, partnership, limited partnership, or combination of such forms of business organization, or any other entity whether operating for profit or not for profit. The term shall also apply to all employees, agents or representatives of a party.
 - (5) The term "storage" or "retention" shall refer to any placement or collection of grease in a container which is placed or located outside of the premises of the generator or, if on the inside of the premises, is subject to collection and disposal by a collector.
- (c) ***Application of section.*** This section shall apply to any party which engages in cooking operations from a fixed location in or on which such activities are conducted more than one time a week, whether on one or more than one day of a week, and by reason of its cooking operations generates more than five gallons of grease from its cooking activities each week. This section shall further apply to any collector which provides a service to a party subject to this section for hire or other compensation. This section shall not apply to a party which is a civic, religious, or charitable not-for-profit organization conducting an event for promotional or fundraising or other organizational purposes (other than at a fixed location of a party to whom this section applies) and does not prepare for sale or

consumption of food on more than four times a calendar year and does not generate over two gallons of grease per day.

- (d) ***Storage containers.*** It shall be unlawful for any party to store or retain grease for the purpose of being removed and transported from the premises of the generator when such storage container is placed outside of or removed from the premises of the generator on or across public or private property unless the container satisfies the following specifications:

- (1) Containers shall be of one of the following types:
 - a. Rectangular, 300-gallon capacity, 62 inches long, 46 inches wide, and 36 inches high;
 - b. Round, 250-gallon capacity, 46 inches in diameter, 36 inches high;
 - c. Round, 125-gallon capacity, 36 inches in diameter, 36 inches high; or
 - d. Such other container as approved by the city.
- (2) All containers shall be of metal construction, equipped with a screen cover over all openings, and capable of being locked.
- (3) The party which owns the container shall maintain the container so it is secure and not subject to leak, drain, overflow or other condition which permits the grease stored therein to escape from the confines of the container.
- (4) All containers will remain locked so as not to be subject to access by unauthorized persons except when a collector deposits or a collector

removes grease from the container. No persons, other than a generator or collector, shall remove or interfere with any containers, tamper with the lock, or remove the cover or contents.

- (e) ***Location of containers.*** Any container which is to be placed and used for storage on or transported across the exterior of any premises shall only be located on private property. No such location shall be used by a generator or a collector without submitting an application for approval of the location to the sanitation director on such forms and with such information as may be specified by the sanitation director, who is hereby empowered to establish such procedures. If a fee or charge is necessary for the application as established in the revenue ordinance of the city, such payment shall accompany the application. No location shall obstruct or create a visual hazard to pedestrian or vehicular traffic. All locations shall be located so as to have access by the collector and the generator without causing any danger to health or safety.
- (f) ***Obstruction of the container.*** It shall be unlawful for any person to park or otherwise permit to remain a vehicle or any other object in a manner so as to obstruct the access to a container by a collector.
- (g) ***Removal and disposal of grease.*** It shall be the responsibility of the generator to ascertain when the container's contents has reached its capacity so that it is necessary to remove and dispose of the grease. No generator shall place grease in a container which has achieved its stated capacity for storage. It shall be unlawful to permit a spillage or overflow of grease either from a container, or in its movement or manipulation, or in the removal of the contents by a collector, such violation being by the party who is performing an activity regarding either the placement of grease in the container for

storage or its collection. The generator and the collector shall possess chemicals or other substances and devices to remove or otherwise dissipate any substance which escapes the container during storage or collection, and the failure to possess such items and to remove or dissipate such substance shall be an additional violation of this section. It is a violation of this section for a container to exceed its capacity so as to result in an overflow or spillage. It is unlawful for a container to be in such a condition that it leaks or is not secured or placed so that it may tilt, turn over, or otherwise cause the contents to escape.

- (h) ***Treatment and cleaning of container.*** Whenever the contents are removed from the container, it shall be cleaned or treated so that residue from the grease removed shall not remain and accumulate in the container.
- (i) ***Vehicle display.*** Any vehicle utilized by a collector to remove, transport and dispose of grease from a generator shall have displayed on the exterior of one door on each side of the vehicle the name of the collector in letters not less than 1 1/2 inches high or in a design which is not less than seven inches in diameter or square on each side. All such vehicles shall be constructed, maintained and operated in such a manner that containers transported or grease which is transferred from a container to a tank or other holding device is maintained and operated so that there will be no spillage or leakage caused during the transport operation.
- (j) ***Insurance.*** Every collector shall maintain in force public liability insurance covering its operations, activities and vehicles applicable to all operations and activities performed which are subject to this section with minimum limits of coverage of \$500,000.00 per occurrence for personal injury and \$100,000.00 per occurrence for property damage.

Evidence of such coverage shall accompany any initial or renewal application for a business license as required under the revenue ordinance of the city.

- (k) ***Contractual relationships.*** In the event that any contractual relationship exists between a generator and collector which creates or transfers a liability for incidents and activities which may be subject to this section, such a provision shall not relieve a party who violates this section from any penalties and liabilities hereunder, it being expressly declared that any transfer of a responsibility or liability between a party shall be between them.
- (l) ***Inspections.*** The city may, without notice, regularly inspect the premises of generators to verify compliance with this Section. Such inspectors shall keep accurate records of inspections and make available inspection records to the public upon written request.
- (m) ***Violations.*** Any person or entity that violates the provisions of this Section of this Article may be punished up to the maximum extent allowed under the Pooler Code of Ordinances.

II.

This ordinance of parts of ordinances in conflict herewith are expressly repealed.

III.

This ordinance shall be effective upon its approval by the Mayor and Councilmembers of the City of Pooler.

ADOPTED this _____ day of _____, 2010.

Mayor

Attest:

Clerk of Council