

ORDINANCE NO. 18-OR0021-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 29 OF THE OCEANSIDE CITY CODE BY THE AMENDMENT OF SECTIONS 29.116, 29.122, 29.124, 29.125, AND 29.126 PERTAINING TO THE REGULATION OF COMMERCIAL KITCHEN GREASE DISPOSAL.

WHEREAS, Chapter 29, Article IX of the Oceanside City Code governs the Regulation of Commercial Kitchen Grease Disposal and was last amended by Ordinance no. 07-OR0021-1, adopted January 17, 2007:

WHEREAS, certain provisions in Chapter 29, Article IX of the City Code have become outdated due to changes and refinements in the California Plumbing Code and should be updated to reflect current practices.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Section 29.116 of the Oceanside City Code is hereby amended to read as follows:

“As used in this article, the following terms are defined in this section.

Administrative authority means the director of the water utilities department or his or her designated representative.

Authorized enforcement officials means the director of the water utilities department, director of public works; the director of the planning department; the director of the housing and neighborhood services department; the director of building and safety, the chief of police, and the chief of the fire department.

Authorized enforcement staff means any city employee supervised by an authorized enforcement official, assigned to duties involving permits and other city approvals, inspections, and enforcement related to this chapter.

Authorized inspector means the director of the water utilities department or his or her designated representative.

Best management practices means schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention

1 and educational practices, maintenance procedures, and other management practices or devices
2 to prevent or reduce the discharge of pollutants directly or indirectly to sewer system or the
3 storm water conveyance system. Best management practices also include but are not limited to
4 treatment practices, operating procedures, and practices to control site runoff, spillage or leaks,
5 sludge or water disposal, or drainage from raw materials storage. Best management practices
6 may include any type of pollution prevention and pollution control measure that can help to
7 achieve compliance with this article.

8 *California Plumbing Code (CPC)* contains mechanical design and construction
9 standards. Provisions contained in the CPC provide minimum standards to safeguard life or
10 limb, health, property and public welfare by regulating and controlling the design, construction,
11 installation, quality of materials, location, operation, and maintenance or use of heating,
12 ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing
13 appliances.

14 *Change in operations* means any modification in the operational procedures of a
15 commercial kitchen which has the potential to significantly increase the amount of grease
16 generated by food preparation including, without limitation, any increase of twenty-five (25)
17 percent or greater in the seating capacity, any substantial increase in the hours of operation, any
18 significant increase in the size of the kitchen or the number of food service or food preparation
19 employees, or any significant change in the size or type of food preparation equipment that
20 impacts grease interceptor system.

21 *Commercial kitchen* shall mean any business in the City of Oceanside that has a full
22 service or take-out restaurant, drive-thru, catering kitchen, cafeteria, store, commercial kitchen
23 or any other establishment serving food for consumption and operating for the purpose of
24 storing, preparing, serving, manufacturing, packaging, unpacking, displaying or otherwise
25 handling food for sale or distribution to the public, other entities, and other groups or persons.
26 Commercial kitchen shall include any commercial establishment which has processes or
27 equipment that use or produce dairy products, Fats, Oils, and Grease, or also produce grease
28 vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II

hood, as defined in California Uniform Retail Food Service Establishments Law (CURFFL), California Health and Safety Code Section 113785. Commercial kitchen shall include any operation that changes the form, flavor or consistency of food for resale or other distribution, assembles or hot holds food. Establishments engaged only in assembling or serving food that is prepared entirely off-site, and whose kitchen equipment consists only of beverage warmers and microwaves are not considered commercial kitchens.”

Director means the water utilities director, the building department director, or any other official(s) as designated by the city manager.

Food grinder means any device installed in the sewage system for the purpose of disposing food waste in the public sewer system.

Grease means any oil, fat, or oily, fatty substance such as vegetable or animal fat that turns or may turn viscous or solidifies with a change in temperature or other conditions.

Grease control device means any grease interceptor, hydro-mechanical grease interceptor or other mechanism, which attaches to wastewater plumbing fixtures for the purpose of collecting grease for off-site disposal.

Grease interceptor means a two (2) or three (3) compartment device that is generally located, according to the California Plumbing Code (CPC), underground between a food service establishment ("FSE") and the connection to the public sewer system. These devices are large and primarily use gravity to separate Grease from the wastewater as it moves from one compartment to the next. All grease interceptors shall be installed according to the city adopted grease interceptor specification drawing and in compliance with Section 29.124, subsections 6—14. All grease interceptors must be cleaned, maintained, and have all fats, oils and grease ("FOG") disposed of in a proper manner on a regular interval in order to properly function.

Hydro-mechanical grease interceptor is a device meant to intercept nonpetroleum fats, oil, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. These devices are required to control the flow rate entering the device with either an external flow control or a built-in flow control (non-external), either directly

connected or indirectly connected to the sewer system. It must be of equivalent FOG removal capacity as that of a grease interceptor.

Person means any individual, firm, corporation, partnership, association or other group or combination of individuals acting as a business unit.

Remodeling means any physical change to a commercial kitchen that requires a tenant improvement or building permit and may involve under slab plumbing work in a commercial kitchen.

Wastewater means water, including but not limited to, water containing grease, animal or vegetable matter and water, whether treated or untreated, that is discharged into or permitted to enter a public sewer.”

SECTION 2.- Section 29.122 of the Oceanside City Code is hereby amended to read as follows:

“Commercial Kitchen Prohibitions

The following prohibitions shall apply to all commercial kitchens

A. Introduction of any additives into a commercial kitchen’s wastewater system for the purpose of emulsifying FOG is prohibited.

B. Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

C. Discharge of wastewater from dishwashers to any hydro-mechanical grease trap interceptor is prohibited.

D. Unless specifically denied or prohibited by the Water Utilities Director, dishwashers shall connect to or discharge into a grease interceptor.

E. Unless specifically required or permitted by the Water Utilities Director, no food grinder or food waste disposal unit shall connect to or discharge into a grease interceptor.

F. Discharge of wastewater with temperatures in excess of 140°F to any grease control device is prohibited.

1 G. The use of biological additives for grease remediation or as a supplement to
2 interceptor maintenance is prohibited.

3 H. Discharge of any waste including FOG and solid materials removed from the grease
4 control device to the sewer system is prohibited. Grease removed from grease interceptors shall
5 be waste hauled periodically as part of the operation and maintenance requirements for grease
6 interceptors.

7 I. Increasing the use of water or in any other manner attempting to dilute a discharge as a
8 partial or complete substitute for treatment to achieve compliance is prohibited.”

9 SECTION 3. Sec. 29.124 of the Oceanside City Code is hereby amended by removing
10 “Uniform Plumbing Code” and replacing with “California Plumbing Code”.

11 SECTION 4. Sec. 29.125 of the Oceanside City Code is hereby amended to read as
12 follows:

13 “Calculations for determining size, type of grease control device and location

14 A. All City of Oceanside commercial kitchen fixtures that may introduce grease into the
15 public sewer system shall be sized and plumbed to a grease control device in accordance with
16 standard plumbing guidelines defined in the most recent adopted California Plumbing Code.
17 The grease control device shall be designed and constructed in accordance with the Water,
18 Sewer, and Recycled Water Design & Construction Manual. All commercial kitchens shall be
19 equipped with a grease control device as defined by this section.

20 B. The City of Oceanside requires that all commercial kitchens that require a hydro-
21 mechanical grease interceptor or gravity grease interceptor be sized according to the most recent
22 adopted California Plumbing Code.

23 C. The City of Oceanside requires that all commercial kitchens that require a grease
24 interceptor be equipped with a maximum size three thousand (3,000) gallon grease interceptor.

25 D. The grease control device must be located outside the building and as close to the
26 kitchen as possible. For inside the building location, prior approval by Water Utilities is
27 required.

1 E. Grease control devices may be located within the public right of way as determined
2 by the City Engineer and require a Right of Way permit and an approved Encroachment
3 Removal Agreement. Owner to assume responsibility for potential trip hazard or spillage in
4 sidewalk. Construct manhole covers flush with the sidewalk to avoid a trip hazard.”

5 SECTION 4. Section 29.126 of the Oceanside City Code is hereby amended by adding:

6 “D. Grease Interceptor Serving Multiple Food Service Establishments on a Single Parcel
7 Property owners of commercial properties or their official designee(s) shall be responsible for
8 the installation and maintenance of the grease interceptor serving multiple Food Service
9 Establishments that are located on a single parcel.”

10 SECTION 5.

11 Severability.

12 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
13 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
14 shall not affect the validity of the remaining portions of this Ordinance. The City Council
15 hereby declares that it would have passed and adopted this Ordinance and each section,
16 sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,
17 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

18 SECTION 6.

19 The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or
20 the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its
21 passage in the San Diego Union Tribune, North County edition, a newspaper of general
22 circulation published in the City of Oceanside.

23 SECTION 7.

24 This ordinance shall take effect and be in force on the thirtieth (30th) day from and after
25 its final passage.

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1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
2 California, held on the 20th day of December, 2017, and, thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
4 Oceanside California, held on the 10 day of January, 2018, by the following vote:

5 AYES: Lowery, Feller, Kern, Sanchez

6 NAYS: None

7 ABSENT: None

8 ABSTAIN: None

9 /s/ Chuck Lowery
10 DEPUTY MAYOR OF THE CITY OF OCEANSIDE

11 ATTEST:

APPROVED AS TO FORM:

12
13 /s/ Zack Beck
14 CITY CLERK

/s/ Barbara Hamilton
ASSISTANT CITY ATTORNEY

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