

ORDINANCE NO. 2013-9522

AN ORDINANCE AMENDING SECTION 41-50 OF CHAPTER 41 ENTITLED "WATER AND SEWER SYSTEMS" AND SECTION 18-1(b) OF CHAPTER 18 ENTITLED "FOOD AND FOOD ESTABLISHMENTS" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, BY PROVIDING RESPONSIBILITIES OF LIQUID WASTE GENERATORS AND PROVIDING AN AMENDMENT TO THE TEXAS FOOD ESTABLISHMENT RULES OF THE TEXAS ADMINISTRATIVE CODE, TITLE 25; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING A PENALTY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Section 41-50 of Chapter 41 entitled "Water and Sewer Systems" of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended in its entirety to read as follows:

Sec. 41-50. Responsibilities of liquid waste generator.

(a) *Waste disposal.* A generator of liquid waste shall have all liquid waste material picked up from his or her premises only by a liquid waste transporter who holds a valid permit from the city and who shall transport it to an approved site for disposal.

(b) *Hazardous waste.* A generator shall not permit or allow hazardous waste to be removed from the generator's premises except by an operator and vehicle permitted by the appropriate state and/or federal agency for removal of hazardous waste.

(c) *Signature required.* A generator or generator representative shall legibly sign the trip ticket provided by the transporter when a load is picked up by the transporter and shall retain a copy of all trip tickets for a period of at least three (3) years. The generator shall retain completed trip tickets on site and available for inspection during normal operating hours.

(d) *Grit/sand trap/interceptor.* Grit/sand trap/interceptor must be designed and constructed to intercept and remove petroleum based oil, grease wastes, and solids from the wastewater generated by a commercial vehicle or heavy machinery repair or washing and/or non-commercial washing facility.

(e) *Grease trap/interceptor.* Grease traps/interceptors shall be required for all permanent type food establishments that generate grease or oils as determined by the local regulatory authority. Grease traps /interceptor shall be sized, installed, and maintained as follows:

- (1) Construction standards in newly constructed establishments. Establishments with four fixtures or less shall require a minimum 250-gallon capacity grease trap/interceptor. More than four fixtures shall require a minimum 750-gallon capacity grease trap/interceptor. The following will be considered fixtures:

- a. Each utensil sink (not each compartment);
 - b. Each preparation sinks;
 - c. Each mopsink;
 - d. Each dishwasher;
 - e. All floor drains will be considered as one fixture;
 - f. All hand sink(s) will be considered as one fixture.
 - g. Each cook top; and
 - h. Each deep fryer;
- (2) All grease trap/interceptors shall be located on the exterior of the establishment, unless approved by the City of Irving and in compliance with Chapter 8 Building Standards Code. Installation and/or replacement will be reviewed, permitted and inspected by the City of Irving.
 - (3) *Changes in ownership or Kitchen remodel.* If an existing grease trap or interceptor is smaller than one required by this section, then the owner/operator must install a new grease trap or interceptor as required by this section.
 - (4) An automated self-cleaning trap may be accepted for non-grease producing establishments that manufacture dough-like material, such as pizza parlors, sandwich or bagel shops and no-fry bakeries with only sinks as their fixtures.
 - (5) Applicants desiring a grease trap or interceptor smaller than those required by this section may submit to the City of Irving for approval, engineer-sealed plans showing drawings, flow calculations and other information deemed necessary by the City to meet the intent of this section.
- (f) A generator shall:
- (1) Maintain collection devices in continuous, proper repair and operation including, but not limited to, pumping and cleaning them at a minimum frequency of every ninety (90) days, or more often, to ensure proper function. A variance to the pumping and cleaning frequency may be granted at the discretion of the director:
 - a. If a suitable sampling port of size, location and type specified by the director, located downstream of the grease trap, interceptor, or separator, is demonstrated through monitoring that a reduced frequency can be justified.

- b. If documentation the City has on file indicates that the current size of the trap/interceptor, or separator exceeds the current generator requirements.
- (2) New generators and generators replacing the existing collection devices shall install and maintain a suitable sampling port, of the size, location and type specified by the director, downstream of the grease trap, interceptor, or separator and before the sanitary sewer, sampling, and measurement of the wastes and flows. Sampling ports shall be readily accessible for inspection at all times. At the discretion of the director, sampling ports may also be required for generators responsible for introducing excess grease into the collection system;
 - (3) Supervise regular and proper cleaning of collection devices;
 - (4) Report spills and accidents involving collection to director by the first city business day following the spill or accident;
 - (5) Clean up all spills and accidents immediately and have material disposed of by a permitted transporter by proper means; and
 - (6) Ensure that wastewater discharge meets all the standards and requirements of this chapter.
 - (7) All used kitchen oils and grease storage containers must be covered securely to keep rain and insects out, and oil and grease and odors in.
 - (8) *Automated Self-cleaning Trap.* Generator that has been approved to operate with an automated self-cleaning trap must submit in the form of a sworn document the proper method of disposal of the liquid waste. Generator must supply the City of Irving with a signed quarterly report containing each time the liquid waste was removed from the automatic self-cleaning trap and location or container where the liquid waste was disposed.
 - (9) All grit/sand trap/interceptors shall be approved by the City of Irving and in compliance with Chapter 8 Building Standards Code. Installation and/or replacement will be reviewed, permitted and inspected by the City of Irving. Grit/sand trap/interceptors must be cleaned every six (6) months or more often, to ensure proper function. A variance to the pumping and cleaning frequency may be granted at the discretion of the director if documentation the City has on file indicates that the current size of the trap/interceptor, or separator exceeds the current generator requirements.

SECTION 2. That Section 18-1(b) of Chapter 18 entitled “Food and Food Establishments” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended as follows:

[(b) *Amendments, modifications and deletions.* The Texas Food Establishment Rules effective October 6, 1998, and as subsequently amended, as Texas Administrative Code Title 25 – Health Services – Texas Department of Health, Chapter 229, Sections 229.161 – 229.171 and 229.173 – 229.175 is amended as follows:]

Section 229.166. Water, Plumbing, and Waste. Section 229.166(j) is amended to read as follows:

(j) *Grease trap/interceptor.* See Section 41-50 of Chapter 41 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, for regulations regarding grease traps/interceptors.

SECTION 3. That save and except as amended by this ordinance, Chapter 41 and Chapter 18 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, shall remain in full force and effect. That it is the intent of the Irving City Council that pending prosecutions, brought under the previous code, which this ordinance replaces, should continue under the terms and penalties of said code and be saved from dismissal as if said prior ordinances had not been amended.

SECTION 4. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 5. That this ordinance shall become effective from and after the date of its passage as provided by the Charter of the City of Irving, and the caption hereof shall be published in the official newspaper within the City and it is accordingly so ordained.

SECTION 6. Any person violating or failing to comply with any provision of this ordinance shall be fined upon conviction pursuant to Article XI of Chapter 41 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, as amended. Each day any violation of any provision of this ordinance continues constitutes a separate offense.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on November 7, 2013.

BETH VAN DUYNE
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Charles R. Anderson
City Attorney