

**CITY OF ALVARADO ORDINANCE NO. 2015-013**

**AN ORDINANCE AMENDING SECTION 40-204 OF DIVISION 3 OF ARTICLE III OF CHAPTER 40 OF THE CITY CODE TO REVISE THE REGULATIONS REGARDING GREASE, OIL AND SAND INTERCEPTORS AND PROVIDING FOR ADDITIONAL PENALTIES FOR VIOLATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR PUBLICATION IN PAMPHLET FORM, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alvarado, Texas is a Type A General Law Municipality located in Johnson County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has determined that the City Code provisions relating to the regulation of oil, grease and sand interceptors should be revised, and additional penalties for violation should be added for violations of such regulations;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS:**

**SECTION 1.  
AMENDMENT OF SECTION 40-204**

Section 40-204 of Division 3 of Article III Chapter 40 of the Alvarado City Code is hereby amended to provide as follows:

**Section 40-204 - Grease, oil, and sand interceptors.**

- (a) Grease and oil interceptors shall be installed and properly operated and maintained in all food service establishments where preparation of food occurs on the premises. All costs incurred for such installation, maintenance, operation, and, if necessary, the modification of such interceptors shall be the responsibility of the owner.
  - (1) Grease and oil interceptors shall be constructed, maintained, and operated in accordance with city standards and shall be of a minimum capacity of 1,000 gallons unless otherwise determined by the Director of Public Works or the Director's designee. If necessary due to expansion of the use of the property or revision of applicable regulations or and discharge standards, the owner of a food service establishments shall modify such Grease and oil interceptor to remain

in compliance with this section and any other regulations and discharge standards.

(2) The owner of the food service establishment shall be responsible for the installation, operation, maintenance and, if necessary, the modification of the grease and oil interceptor to be in compliance with all applicable laws and discharge standards. Required maintenance shall include, but are limited to, the following:

- a. Regularly scheduled pumping or cleaning of the interceptor by a licensed waste hauler at least once every 90 days and at all other times as necessary to prevent the clogging of city sewer line and overloading of the interceptor.
- b. Regular inspection of the interceptor to ensure proper operation.
- c. Sample and test discharge from interceptor on at least an annual basis, or as determined necessary by the Director of Public Works or the Director's designee. BOD and TSS limits must be below 300 parts per million. Oil and Grease (O&G) limits must be below 200 mg/L.
- d. Within 15 days of pumping or cleaning, as required by this subsection (a), provide the city a written record signed by the licensed waste hauler containing at a minimum the following information:
  1. Volume of grease disposed.
  2. Date of disposal.
  3. Location of the disposal site.
- e. Whenever modifications are required, plans and specifications must be submitted to the Director of Public Works for approval within 30 days from the date such modifications are ordered or become necessary. No construction shall commence until the Director of Public Works or the Director's designee approves the plans and specifications in writing and any required permits obtained. The owner must complete the necessary modifications as approved within 90 days from the date of approval.

(b) Sand interceptors must be installed and properly operated in all establishments when required by the latest edition of the International

Plumbing Code adopted by the City. The design and construction of any sand interceptor must be submitted to the Director of Public Works for approval. No construction shall commence until the Director of Public Works or the Director's designee approves the plans and specifications in writing and any required permits obtained. The owner must complete the necessary construction as approved within 90 days from the date of approval. Operations on the property shall not commence until the construction is certified as complete and approved by the Director of Public Works or the Director's designee, unless the Director or the Director's designee authorizes otherwise in writing.

- (1) Sand interceptor shall have a minimum capacity of 1,000 gallons unless otherwise determined by the director of public works.
  - (2) Sand interceptors shall be pumped out 100 percent at least once a year and at all other times as determined necessary to maintain their effectiveness. Additional pumping may be required if it is determined to be detrimental to the sanitary sewer system.
- (c) Violation of this Section or any other rules and regulations governing installation or operation of grease, oil, and sand interceptors is punishable by a fine of not more than \$500. Each day a violation continues shall constitute a separate offense.
- (d) Upon violation of this Section or any other rules and regulations governing installation or operation of grease, oil, and sand interceptors, the Director of Public Works or the Director's designee may also suspend the delivery of water service to the property or suspend the certificate of occupancy for the property, or both, which suspension shall continue until the owner provides the Director of Public Works with written documentation establishing that the violation has been corrected. The owner or operator of the property may appeal such suspension in writing by submitting a written appeal explaining why such suspension is alleged to be unjustified to the City Secretary within ten days following such suspension. The appeal shall be heard by the City Manager as soon as practical. The City Manager shall rule on such appeal based on the written documentation submitted by the owner or operator of the property, the City's file, and, at the City Manager's discretion, any oral evidence submitted by either the owner or operator and the Director of Public Works or the Director's designee. The decision of the City Manager shall be final.

**SECTION 2.  
ORDINANCE CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Alvarado, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.  
PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may also be subjected to such civil penalties and such civil remedies as authorized by law.

**SECTION 4.  
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 40, as amended, or any other ordinances that have accrued at the time of the effective date of this Ordinance and accrued violations and all pending litigation, both civil and criminal, relating to such violations shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 5.  
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Alvarado is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the

production thereof.

**SECTION 7.  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary is hereby directed to publish in the official newspaper of the City the caption and penalty clause of this ordinance twice as authorized by Section 52.013 of the Local Government Code.

**SECTION 8.  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

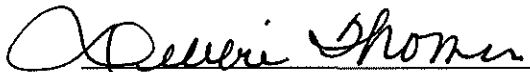
Passed on this 8<sup>th</sup> day of June, 2015, by a vote of 4  
affirmative votes to 0 negative votes.

**CITY OF ALVARADO**

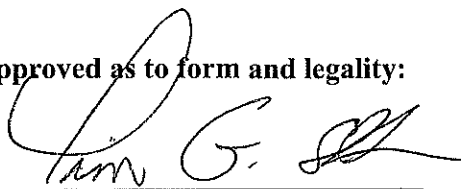
By:

  
The Honorable E. Dewayne Richters, Mayor

**ATTEST:**

  
Debbie Thomas, City Secretary

Approved as to form and legality:

  
Tim G. Sralla, City Attorney

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