

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and Deputy City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 17th day of October, 2017, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 18th day of October, 2017.



Brenda K. Wolf

Brenda K. Wolf, CMC, Deputy City Clerk

ORDINANCE NO. 7319

AN ORDINANCE AMENDING SECTION 32 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS, REGULATING AND PERMITTING THE OPERATION OF FACILITIES PRODUCING GREASE LADEN WASTE AND SERVICE PROVIDERS FOR GREASE INTERCEPTION DEVICES AND REPEALING ORDINANCE NO. 6882.

WHEREAS, the City of Manhattan instituted a Grease Management Permit Program through passage of Ordinance No. 6882 on March 22, 2011; and,

WHEREAS, the City conducted a five-year review of the Program and identified potential improvements in such ordinance; and,

WHEREAS, the City desires to more effectively regulate the discharge of grease-laden waste and to register the service providers of grease removal devices and certify their employees.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

Section 1. That Sections 32-172 through 32-178 of the Code of Ordinances of the City of Manhattan, Kansas, are hereby amended to read as follows:

Sec. 32-172. - Definitions.

The following words and terms, as used in this division, shall be deemed to mean and be construed as follows:

Automatic grease removal device shall mean a plumbing appurtenance that is installed in a sanitary drainage system to intercept free-flowing fats, oils and grease from wastewater discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils, and grease automatically without intervention from the user, except for maintenance.

Grease interceptor shall mean a plumbing appurtenance that is installed in a sanitary drainage system to intercept oily and greasy wastes from a wastewater discharge. Such device has the ability to intercept free-flowing fats and oils.

Grease-laden waste shall mean effluent discharge that is produced from food processing, food preparation or other sources where grease, fats, and oils enter automatic dishwasher pre-rinse stations, sinks or other appurtenances.

Grease removal device shall mean a grease interceptor or automatic grease removal device.

Food service establishment shall mean any facility that prepares and/or packages food for sale or consumption, on or off site, with the exception of private residences. The term

"food service establishment" includes, but is not limited to: food courts, food manufacturers, food processors, food packagers, restaurants, grocery stores, delicatessens, bakeries, lounges, hospitals, hotels, nursing homes, churches, college dining halls, Greek housing (sororities, and fraternities), and cafeterias in schools.

Sec. 32-173. - Grease discharge permit required; application, term and fee.

- (a) It shall be unlawful for any person to operate a facility in which grease-laden waste is produced without obtaining a valid grease discharge permit for each grease removal device located at the facility. Provided that, "facility" shall not include any individual dwelling unit as such term is defined by the latest adopted building code of the city. All food service establishments shall be presumed to be facilities in which grease-laden waste is produced.
- (b) The owner, manager, or agent of a facility shall make written application to the director of public works, or a designee, on a form furnished by the city. The application shall be accompanied by the appropriate fee per Section 32-173(e), and for application renewals, shall include a copy of the maintenance log per Section 32-175(g). Facilities have until the last working day of the month in which their permit expires, per paragraph (c) of this section, to complete the requirements to renew their permit. Permits issued pursuant to this division are nontransferable. A new permit application and fee shall be required for each change of ownership of a licensed facility.
- (c) Permits shall be renewed annually under a staggered system with the permits expiring on the last day of the month determined by the first letter of the name of the facility in accordance with the table below.

Alphabetical Designation for Monthly Staggered Permit Renewal

A & B – January	I & J – May	Q & R – September
C & D – February	K & L – June	S & T – October
E & F – March	M & N – July	U, V, & W – November
G & H – April	O & P – August	X, Y, & Z – December

- (d) The director of public works, or a designee, shall issue or renew a permit for a facility that complies with the terms of this Ordinance. The director of public works may modify the terms and conditions of any permit, in order to protect the sanitary sewer system. The permit holder shall receive at least thirty (30) days notice of such modification, except in the event of an emergency as described in Section 32-176(e).
- (e) The permit fee shall be \$25.00 for each grease removal device used at a facility. Permit fees shall not be prorated for permits in effect for less than the full calendar year. If a facility fails to submit all needed documents to renew its permit(s) prior to expiration, an additional \$100.00 late fee will be assessed for each month until all the documents are received. A facility that is late in renewing its permit shall be in violation of this ordinance and any assessed late fees shall be in addition to the penalties provided for in Section 32-178.

Sec. 32-174. - Conditions of the grease discharge permit; variances.

Each facility with a grease discharge permit is subject to the requirements of this section. Failure to abide by these requirements shall be unlawful. The requirements are as follows:

- (a) Each facility shall install and maintain grease removal devices as required by the latest adopted plumbing code of the city. If the facility's existing grease removal devices are not adequately sized for the facility's activities, the facility shall replace the devices to meet the requirements of the latest adopted plumbing code of the city.
- (b) The permit holder shall ensure the inspection of, and shall maintain, and require all employees, agents, and other representatives to maintain, the grease removal devices in accordance with the requirements of Section 32-175 and the best management practices adopted by the director of public works.
- (c) The permit holder shall allow the facility to be inspected by the city, and the permit holder shall make grease removal devices accessible and exposed for inspection purposes, in connection with the issuance or renewal of a grease discharge permit, or at any reasonable time, without prior notice, to confirm the permit holder's compliance with this Ordinance. Such inspections may include measuring, testing, or sampling.
- (d) A permit holder may make written request to the director of public works for a variance from any of the requirements of this Ordinance. Such written request must be made on a form provided by the city and accompanied by a fee set by the director of public works. The director of public works, or a designee, will issue a written response to the variance request within thirty (30) days. Denials may be appealed to the city manager through the process described in Section 32-176(f).

Sec. 32-175. - Maintenance of grease interceptors and devices; best management practices; pumping and minimum pumping frequency; inspection; maintenance log.

- (a) **Illegal Discharge.** It shall be unlawful for the permit holder to discharge grease-laden waste into the sanitary sewer collection system without using a functional grease removal device. It shall be unlawful for the permit holder to direct or allow any person to discharge grease-laden waste into the sanitary sewer collection system without using a functional grease removal device.
- (b) **Pumping.** All grease removal devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids by a registered service provider pursuant to Sec. 32-177. Decanting or discharging of removed waste back into the grease removal device from which the waste was removed or any other grease removal device, for the purpose of reducing the volume to be disposed, is prohibited.
- (c) **Minimum Pumping Frequency.** Grease removal devices must be pumped out completely a minimum of once every 180 days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system.
- (d) **Best Management Practices.** The director of public works shall adopt best management practices to ensure the continual and effective operation of grease removal devices. The permit holder shall comply with, and cause the permit holder's employees, agents and other representatives to comply with, the best management practices adopted by the director of public works.
- (e) **Spills.** If grease-laden waste spills onto the public right-of-way, parking area, driveway, or other location that may cause run-off into the stormwater management system, the

spill shall be immediately cleaned up in a manner that complies with the best management practices adopted by the director of public works. The permit holder shall notify the director of public works, or a designee, that such spill occurred by the next business day. If the permit holder fails to clean the spill to the city's satisfaction, then the spill constitutes, and shall be treated as, a nuisance pursuant to Chapter 21 of the City Code.

- (f) Inspection. The permit holder shall have all grease removal devices inspected by a registered service provider pursuant to Section 32-177 on an annual basis. Such registered service provider may not be the permit holder or an employee of the permit holder. Grease removal devices must be empty at the time of the inspection. The results of the inspection shall be recorded on the maintenance log described in paragraph (g) and shall be reported on a separate inspection form produced by the city and submitted to the city within fifteen (15) days of the inspection date. An inspection report will only be considered valid for permit renewal if it has been completed within sixty (60) days prior to the permit expiration date per Section 32-173(c).

If the inspector notes deficiencies in a grease removal device, the permit holder shall make necessary repairs to ensure compliance within thirty (30) days of the date of the inspection, unless an extension is approved by the director of public works. The permit holder shall provide documentation of such repairs to the director of public works, and allow inspections thereof, within fifteen (15) days of the completion of the repairs.

- (g) Maintenance Log. On a form furnished by the city, each permit holder shall maintain a true and accurate maintenance log for each grease removal device which provides for entry of the following information:
 - (1) the date of each pumping service; the name of the person performing the service and the name of the company with which the service provider is affiliated; the amount removed; the condition of the device; and the signature of a manager or authorized representative of the facility in which the grease removal device is located; and
 - (2) all of the information regarding the annual inspection required by paragraph (f); the name of the person performing the inspection; and the name of the company with which the inspector is affiliated.

The maintenance log shall be kept in a readily accessible location and made immediately available upon request by the city. Each permit holder shall submit a copy of the previous year's maintenance log when renewing their annual permit and shall maintain copies of logs for three (3) years. If a maintenance log is lost and cannot be submitted, the permit holder shall have an opportunity to verify all of the information required by the maintenance log in a manner acceptable to the city, and any failure to do so within ten (10) days following the city's request shall be unlawful and a violation of this ordinance.

Sec. 32-176. - Denial, suspension, or revocation of permit.

- (a) The director of public works may deny, revoke, or suspend a permit for any of the following reasons:
 - (1) Failure to submit a complete application or pay any fees;
 - (2) Fraud, misrepresentation, or false statement in the permit application or inspection and repair records; or
 - (3) Failure to comply with any of the provisions of this or any other city ordinance or other law.
- (b) Such denial, revocation, or suspension shall not become effective until the applicant/permit holder has been served with a notice. The notice shall state the reason for noncompliance and include a time period for the applicant/permit holder to comply. Service may be accomplished by personal service, service by restricted mail showing the date and to whom the mail was delivered, or by regular mail if restricted mail has been refused by the addressee. Service by personal service or by restricted mail shall be deemed complete as of the date of such service. Service by regular mail shall be deemed complete three (3) days after the city has placed the notice in the U.S. mail. Such notice shall inform the applicant/permit holder of the action taken and shall notify the person of the right to appeal, pursuant to section 32-176(f). Such action shall be effective upon the seventh day following service upon the applicant/permit holder, unless an appeal is filed. If an appeal is filed, such action shall be stayed until the final written decision on the appeal is rendered.
- (c) In any suspension of the license, the director of public works may place such conditions upon the suspension as deemed advisable. Any conditions of the suspension shall be set forth in the notice.
- (d) Operating a facility after the effective date of a permit's denial, revocation or suspension shall be unlawful.
- (e) Emergency Suspension. The director of public works may immediately suspend the wastewater treatment service when, in the opinion of the director of public works, such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial danger to the public health, safety or welfare, or to prevent interference with, or a threat to, the sanitary sewer collection system. If the person notified of such suspension fails to comply with the order, the director may take steps necessary to block or sever the connection to the sanitary sewer collection system. The person may file a written appeal to such order with the city manager, within two (2) business days of the order being made, and the appeal shall be heard within two (2) business days of its filing. Service shall remain suspended during the appeal period. Service shall be reinstated when the condition causing the threat is corrected, or if the person successfully appeals the director's order.
- (f) Appeal and Hearing. A person receiving any notice or order may appeal the requirements contained therein pursuant to this subsection, except in the case of an emergency order, which shall comply with the process set forth in Section 32-176(e). The person must file a written appeal with the city manager within seven (7) days of receiving service, and the appeal must state why the requirement should be modified or should not apply to the recipient. The city manager will hold a hearing, at which the person must be heard, within seven (7) days of receiving the appeal.

Sec. 32-177 – Registration and Certification Programs

- (a) The city will establish and manage registration for all persons, firms, or businesses that desire to be authorized to pump, clean and/or inspect grease removal devices within the sanitary sewer service area.

The registration shall be effective for a period of three (3) years at which time the person, firm, or business must re-register. The registration required by the city shall be in addition to any other permits, registrations, or occupational licenses required by federal, state, and local agencies having lawful jurisdiction. The registration is not transferable. There are no fees required to be registered.

- (b) Pumping and Cleaning. Any person, firm, or business desirous of collecting, pumping, or hauling wastes from, or cleaning, grease removal devices from businesses located within the sanitary sewer service area shall be required to register with the city. It shall be unlawful for any person, firm, or business to pump out or clean grease removal devices within the sanitary sewer service area without being registered.
- (c) Certification. A registered person, firm, or business may also perform inspections of grease removal devices per Section 32-175(f) if designated person or employees of a firm or business have become certified to complete the inspections by completing an educational class provided by the city. FSE owners, or employees thereof, may complete the certification process in order to perform self-inspections in an unofficial capacity, but they will not be certified to perform the official inspections required by the ordinance. A certification is effective for a period of three (3) years, at which time it must be renewed by attending a refresher course provided by the city. It shall be unlawful for any person or employee of a firm or business to perform inspections of grease removal devices within the sanitary sewer service area without being certified.
- (d) Plumbers. Any plumber desirous of inspecting and/or repairing grease removal devices within the sanitary sewer service area per Section 32-175(f) shall be licensed through the Code Division of the City of Manhattan. Plumbers shall also be required to register through the city for the purpose of performing inspections and must become certified to perform the inspections by completing an educational class provided by the city. This certification is effective for a period of three (3) years, at which time it must be renewed by attending a refresher course provided by the city. It shall be unlawful for any plumber to perform inspections or repairs of grease removal devices within the sanitary sewer service area without being licensed, registered, and certified.

Sec. 32-178 – Enforcement

- (a) Before additional action is taken to enforce the provisions of this section, a person or entity found to be in violation shall first be served with a notice of violation. Notice will be deemed sufficient if it is delivered by personal service or regular mail and adequately describes the nature of the violation and outlines a reasonable time line for the alleged violator to come into compliance of at least ten (10) days following the date of notice. Notice shall be deemed given immediately in the case of personal service and in the case of service by regular mail, three (3) days after the date of the mailing.
- (b) Following the expiration of the time period granted in paragraph (a), a person or entity found to be in violation of this section shall be guilty of a misdemeanor.
- (c) A fine not to exceed \$500.00 shall be levied upon a first conviction. Each day of violation shall constitute a separate offense.
- (d) A fine not less than \$500.00 and not to exceed \$1,000.00 shall be levied upon a second and subsequent conviction. Each day of violation shall constitute a separate offense.

Secs. 32-179, 32-180. - Reserved.

Section 2. Ordinance No. 6882 is hereby repealed and replaced by this ordinance.

Section 3. This ordinance shall take effect January 1, 2018, and after its adoption and publication in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS THIS 17TH DAY OF OCTOBER, 2017.



Linda Morse, Mayor

ATTEST:



Gary S. Fees, MMC, City Clerk



(PUBLISHED IN *THE MANHATTAN MERCURY* ON OCTOBER 22, 2017)

ORDINANCE NO. 7319 SUMMARY

On October 17, 2017, the City of Manhattan, Kansas adopted the following ordinance:

AN ORDINANCE AMENDING SECTION 32 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS, REGULATING AND PERMITTING THE OPERATION OF FACILITIES PRODUCING GREASE LADEN WASTE AND SERVICE PROVIDERS FOR GREASE INTERCEPTION DEVICES AND REPEALING ORDINANCE NO. 6882.

The Ordinance updates the current Grease Management Permit Program, effective January 1, 2018, to ensure simplification of the permit renewal process, improve the grease removal devices reliability and operational functionality, and increase accountability of food service establishments and contractors. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502, Monday – Friday, 8 a.m. – 5 p.m., and is available for at least one week following the publication date of this summary at www.cityofmhk.com. This Summary certified to be legally accurate and sufficient by Legal Counsel Bill Frost.



Legal Counsel

Date certified: 10-17-17