

**TOWN OF LYONS
COLORADO**

ORDINANCE NO. 809

**AN ORDINANCE ADDING A NEW SECTION 7-4-14 TO THE LYONS MUNICIPAL CODE
CONCERNING INSTALLATION AND INSPECTION OF GREASE TRAPS AND SAND AND OIL
TRAPS, REPEALING AND READOPTING SECTION 7-1-1 AND REPEALING SECTIONS 7-4-
10(C) AND (D)**

WHEREAS, the Town of Lyons is authorized pursuant to C.R.S. § 31-35-402 to operate a wastewater system and to regulate the use of the Town's wastewater system; and

WHEREAS, clogs in the Town's sewer lines due to fats, oil, grease and sand can create sanitary sewer overflows as well as sewer backups into homes and businesses, and sanitary sewer overflows are considered violations of regulations adopted by the United States Environmental Protection Agency and enforced by the Colorado Department of Health; and

WHEREAS, the Town's wastewater treatment plant is directly impacted by fats, oil, grease and sand, which reduce plant operation efficiency, cause plant upset, and create higher levels of biochemical oxygen demand that burdens the plant; and

WHEREAS, higher biochemical oxygen demand levels lead to high operating costs and increase sewer line cleaning frequency; and

WHEREAS, the number of sanitary sewer overflows can be substantially reduced with an effective grease and sand trap inspection program; and

WHEREAS, the Board of Trustees finds that enactment of an ordinance requiring installation and regular inspection of grease and sand traps within the Town of Lyons is reasonably necessary to protect the Town's wastewater treatment system, prevent sanitary sewer overflows, and ensure public health and safety.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, as follows:

Section 1. Statement of Intent.

The intention of the Board of Trustees in adopting this Ordinance is:

1. To prevent the introduction of excessive amounts of fats, oil, grease, and sand into the Town's sewer system.
2. To prevent clogging or blocking of the Town's sewer system due to the accumulation of fats, oil, grease, and sand.
3. To eliminate or minimize the Town's potential liability due to possible damage to residences and commercial buildings.
4. To protect human health and the environment.

5. To facilitate the Town's compliance with applicable state and federal laws.

Section 2. Section 7-1-1 of the Town of Lyons Municipal Code is hereby repealed in its entirety and readopted to read in full as follows:

7-1-1 DEFINITIONS. For purposes of this Title, the following terms and phrases shall have the meaning indicated, unless otherwise provided:

Consumer:

Any public or private user of any public utility system responsible for payment for services provided to real property. A "Consumer" is customarily or typically the owner of the premises or property receiving services from the Town Utility System and the party ultimately responsible for payment of all fees, rates, and charges for such services imposed pursuant to this Title.

Department:

Either the Electric, Water, or Sewer Department as the context indicates.

Facility:

In the singular or plural, refers both to food service facilities and transportation service establishments, unless a modifying word or words indicates that a different meaning is intended.

FOG:

Fats, oil, and grease, a term which generally refers to animal and vegetable glycerides discharged from food processing and serving industries. These substances are detectable and can be measured using standard analytical techniques. They are generally referred to as grease or greases.

Food Courts:

Designated areas, generally found at shopping malls, shopping centers, and amusement parks that contain several food service facilities with different owners that share seating space and plumbing facilities.

Food Service Facility:

A facility that prepares and/or packages food for sale or consumption. These include but are not limited to restaurants, food processing facilities, food manufacturers, seafood packing plants, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, dairies, slaughter houses, meat packers, food courts, caterers and theme parks.

Gray Water:

All of the liquid and particles suspended in the liquid in a trap after lighter-than-water materials have risen to the top and heavier-than-water materials have sunk to the bottom.

Grease:

Animal and vegetable glycerides discharged from food processing and serving industries.

Grease Trap:

A device to which grease and food wastes are directed from the food service facility operations. It functions to separate and retain waterborne greases and solid food particles prior to the wastewater exiting the trap and entering the sanitary sewer system. It also collects solids and grease from kitchen floor drains.

Mailing:

To “mail” or a “mailing” shall include any one or all of the following: (1) the deposit in the United States Mail or deposit with a similar and comparable delivery service, postage and all fees prepaid, properly addressed to the service address or a known current mailing address for the Consumer; (2) hand posting in a conspicuous place at the address intended, including but not limited to attachment to the main entry door of the addressed premises; (3) hand delivery to a person at the intended address who appears to be over the age of eighteen (18) years of age. An affidavit of the person conducting the mailing that mailing was performed in accordance with this Title shall constitute a rebuttable presumption that mailing was performed. Where a Consumer’s address is unknown and cannot be determined by reasonable sources, publication once in a newspaper of general circulation within Boulder County, Colorado, shall be equivalent to and shall constitute mailing for purposes of this Title.

Owner:

The owner, and, if the owner does not operate the facility, the operator of a Food Service Facility or a Transportation Service Establishment.

Sampling Port:

An opening allowing access to a location where samples can be collected and analyzed. The sampling port shall be between the trap and the point of discharge to the City sewer system.

Sand and Oil Trap:

A device to which sand and oil wastes are directed from the Transportation Service Establishment operations. It functions to separate and retain waterborne sand and oil particles prior to the wastewater exiting the trap or interceptor and entering the sanitary sewer system.

Sanitary Sewer Overflow:

The backing up and overflowing of the sewer system as a result of clogging or the obstruction of flow in the City's sewer system due to the discharge of wastewater with excessive fats, oil, greases, and sand.

Services:

Collectively, services for electric, water, and sewer provided by the Town Utility Systems and Departments.

Sewage System:

The publicly owned wastewater treatment plants or sewer systems of the Town of Lyons, including but not limited to all the collector system piping, lines, manholes, lift stations, and treatment plants.

Town Administrator:

The Town Administrator of the Town of Lyons, Colorado, or the Administrator’s designee.

Town Utility Departments:

Collectively, the Electric, Water, and Sewer Departments of the Town of Lyons, Colorado.

Town Utility System(s):

All facilities and equipment associated with the collection, treatment, operation, and distribution of electricity, water, and wastewater by the Electric Department, Water Department, and/or Sewer Department of the Town of Lyons.

Transportation Service Establishment:

Any automotive, truck, or heavy machinery repair and/or maintenance shop, car or truck wash, truck terminal, commercial or industrial transportation equipment manufacturing or maintenance facility that has tanks, wash racks or any other sand and oily liquid waste discharges indirectly or directly to the Town's public sanitary sewer system.

Trap:

In the singular or plural, refers to both a grease trap and a sand and oil trap, unless a modifying word or words indicate that a different meaning is intended.

Unit:

Unless otherwise specifically defined by another section of this Title, a "unit" shall mean: (1) in reference to a residential use, a residential dwelling, mobile home, or apartment house or motel, designed primarily for occupancy by one person, one family, or otherwise intended as a single living or sleeping area whether temporary or permanent; or (2) in reference to a non-residential use, the property or the use controlled by a "Consumer" as defined by this Section.

Section 3. A new Section 7-4-14 is hereby added to the Town of Lyons Municipal Code to read in full as follows:

7-4-14: GREASE AND SAND AND OIL TRAPS REQUIRED.

1. General Requirements:

- a. Grease Traps are required at all Food Service Facilities directly or indirectly connected to the Town's Sewage System. All fixtures within such a Food Service Facility, including but not limited to kitchen sinks, dishwashers, automatic hood wash units, floor drains in food preparation and storage areas, and any other source deemed by the Town Administrator to be a source of FOG or which may introduce FOG into the Sewage System, must be connected to a Grease Trap. In no case shall FOG be directly introduced into the Sewage System. A Grease Trap shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural buoyancy of the FOG particles to separate from effluent and to retain FOG particles within the structure. Grease Traps shall be designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the Sewage System. All Grease Traps shall be designed and installed in accordance with sound engineering principles and according to the Town's specifications and shall fulfill all requirements of the Town's Municipal Code. No Grease Trap shall be installed which has an approved rate of flow of less than fourteen (14) gallons per minute. Whenever possible, Grease Traps shall be located underground and outside of a Food Service Facility and shall have at least one inspection hatch on the top surface to facilitate inspection, cleaning, and maintenance. Exterior Grease Traps shall be a minimum capacity of fifty-five (55) gallons, made of impervious material, and watertight. Exterior Grease Traps shall be located not less than three (3) feet from the foundation wall of a building and as close as possible to the fixture the Grease Trap serves. Grease Traps interior to a building shall be used only when it is impracticable to install an exterior trap; any interior Grease Trap shall be of not less than six (6) pounds.

- b. Sand and Oil Traps are required at all Transportation Service Establishments directly or indirectly connected to the Town's Sewage System. All fixtures within such a Transportation Service Establishment deemed by the Town Administrator to be a source of sand and/or oil that may be introduced into the Sewage System shall be connected to a Sand and Oil Trap. In no case shall sand or oil be directly introduced into the Sewage System. No Wash Rack may be connected to the Sewage System unless a Sand and Oil Trap installed. Sand and Oil Traps shall be of the same construction as Grease Traps and shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural settling of the sand particles to separate from effluent and to retain sand and oil particles within the structure. Sand and Oil Traps shall be located as close to the fixture or floor drain as possible and shall be accessible for frequent cleanings. Sand and Oil Traps may be located underground and outside of a Transportation Service Establishment and shall have at least one inspection hatch on the top surface to facilitate inspection, cleaning, and maintenance. Sand and Oil Traps shall be designed to collect, contain, or remove sand and oil from the waste stream while allowing the balance of the liquid waste to discharge to the Sewage System. All Sand and Oil Traps shall be designed and installed in accordance with sound engineering principles and according to the Town's specifications and must fulfill all requirements of the Town's Municipal Code
- c. Facilities which have traps on October 1, 2006 shall be immediately subject to the provisions of this article.
- d. Facilities coming into existence after October 1, 2006 or Facilities which existed on October 1, 2006 but which are renovated or which undergo a change in ownership on or after October 1, 2006, shall be immediately subject to the provisions of this Section. For purposes of this section, a "renovation" shall include any modification of an existing Facility that requires a building permit from the Town and has an estimated cost of not less than \$5,000.00 shall be considered a renovation within the meaning of this subsection.
- e. Existing Facilities that do not have traps, shall install the required traps on or before December 1, 2006

2. Requirements for Traps:

- a. All Traps shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Town Administrator.
- b. All Traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
- c. The Owner shall ensure that all Traps work properly and effectively.
- d. All Traps shall fully comply with all applicable provisions of the Municipal Code and any other applicable Town regulations.
- e. The Owner shall be solely responsible for the cost and completion of Trap cleaning, inspection, and maintenance, and repairs.

- f. Pumping of all traps shall be performed when, in the case of a Grease Trap, the total volume of captured FOG and food sludge in a Grease Trap or, in the case of a Sand and Oil Trap, the total volume of captured sand and oil displaces twenty (20) percent or more of the volume of the trap. In no case shall pumping be performed less often than every thirty (30) days. Pumping the trap means emptying it and cleaning the side walls, cross pipes, and inlet and outlet pipes.
- g. All traps shall be opened, inspected, and maintained a minimum of once per month.
- h. Traps may be inspected by the Town Administrator as often as deemed necessary to assure compliance with this article. Such inspections may be unannounced. The Town Administrator may review the Facilities' records on proper pumping, cleaning, maintenance, and disposal activities and may order the Facility to make such changes or repairs as necessary to comply with the provisions of this article.
- i. The Owner shall be solely responsible for the cost and completion of all repairs of traps. Repairs required by the Town Administrator shall be completed within twenty-one (21) calendar days from the date of receipt of written notice of required repairs.
- j. The Owner shall be responsible for the lawful disposition of all grease, sand, oil, and materials removed from traps.
- k. The Owner shall maintain records of all trap cleaning, maintenance, disposal, and repair, and shall make all records available to the Town Administrator upon demand. Such records shall include the date and time of the event recorded as well as the date the record was created and shall include the amount of material pumped, the repair conducted, or similar description of the recorded event. All records shall be signed by the authorized Owner, or a representative of the Owner or operator. If cleaning and maintenance are done by Facility Owners, written maintenance and cleaning procedures as well as the above-required records are required and shall be made available to the Town Administrator upon demand. All required written records shall be maintained for three (3) years from the date the record was created.
- l. No chemicals, enzymes, emulsions, live bacteria, or other grease cutters or additives to Grease Traps shall be used without the prior written approval of the Town Administrator. If the Town Administrator's approval to apply such additives is requested, the Town Administrator shall be furnished the Material Safety Data Sheet for the substance to be used together with any other information requested by the Town Administrator, including but not limited to the frequency of application, concentration/dose, and method of application. Approval by the Town Administrator to use additives may be for a limited time period and in any event and may be terminated at any time at the discretion of the Town Administrator.
- m. No grease, sand, or oil sources shall be connected directly to sewer lines or be allowed in any other manner to bypass the trap.
- n. Sewage shall not be allowed to pass through a trap.
- o. Access covers or manholes shall be clearly identifiable and provided over each trap. The manholes shall have readily removable covers to facilitate inspection, the

removal of grease, sand, oil, and other materials, and gray water sampling activities. The location of the trap shall be kept free and clear of debris. Blocking or covering the access to manholes is prohibited. The Owners or designated representatives (facility managers) of the Food Service Facilities or Transportation Service Establishments shall open access covers or manhole covers at the request of the Town Administrator.

- p. Traps shall be designed and maintained so as to prevent surface water or groundwater from entering the trap through leaks in the plumbing or cracks in the trap itself.
- q. Under-sink Grease Traps shall be cleaned at a minimum of once per week, or more often as necessary, to prevent pass-through of grease and other solids into the Town's Sewage System. Facilities with under-sink Grease Traps are subject to the same recordkeeping requirements as indicated above.
- r. FOG, sand, or oil shall not be discharged directly to the Town's Sewage System, storm sewer system, or any other location not designated by the Town Administrator for the reception of such materials.
- s. A sampling port shall be installed in a location approved by the Town Administrator to allow sampling by the Town Administrator. The sampling port shall be located between the trap and the discharge point to the Sewage System.
- t. The Owner shall allow the Town Administrator ready access at all reasonable times to all parts of the Facility for the purpose of trap inspections, observations, records examination, measurements, sampling, testing, and any other function deemed necessary under this article.

3. Inspection and Monitoring:

- a. All facilities may be inspected by the Town Administrator as often as deemed necessary to assure compliance with this article. Such inspections may be unannounced. The Town Administrator may review the records required by this article and may order such changes or repairs as necessary to comply with the provisions of this article. Inspections will not be limited to traps but shall include all equipment and operations that may result in the generation of FOG, sand and oil. Other pertinent data and documentation will be subject to verification at the time of inspection.
 - i. The Town Administrator may:
 - 1. Sample and analyze wastewater discharge from Food Service Facilities and Transportation Service Establishments at any time to determine compliance with all provisions of the Municipal Code.
 - 2. Measure grease/sand Gray Water level in the traps at any time for pumping violations.
 - 3. Determine the adequacy of all traps, based on review of all pertinent information regarding grease, sand and oil trap performance and Facility operations, and may order the installation of an appropriate trap.

- a. Transportation of Material Removed from Traps:

- b. All persons transporting FOG, sand and oil removed from traps shall:
 - i. Comply with all applicable local, state, and federal regulations.
 - ii. Lawfully dispose of all material removed from traps.
 - iii. Accurately maintain for a period of three years the following records:
 - 1. Name and address of business where the grease, sand and oil trap(s) was pumped out and cleaned.
 - 2. Name of business Owner(s), date of pumping, and volume of waste.
 - 3. As to each shipment of material removed from traps:
 - a. Vehicle license number of the vehicle used in the shipment.
 - b. The driver's name.
 - i. The date of delivery,
 - ii. A signed manifest. By signing a manifest, the driver certifies to the accuracy of information on the manifest.
- c. The Town Administrator may inspect all vehicles used in the transportation of material removed from traps.
- d. Persons transporting material removed from traps shall clean up spills or accidental releases on streets in the Town of Lyons.
- e. Violations: The violation of any provision of this Section shall be a violation of the Lyons Municipal Code punishable pursuant to Chapter 4 of Title 1 of the Municipal Code. Each day a violation continues shall be considered a separate violation.

Section 4. Sections 7-4-10(C) and 7-4-10(D) of the Lyons Municipal Code are hereby repealed in their entirety.

Section 5. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 6. Repeal. All other ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed, provided that such repeal shall not repeal any repealer clauses in such ordinances nor revive any ordinance thereby.

Section 7. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 19th DAY OF JUNE 2006.

ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 7th DAY OF AUGUST, 2006.

TOWN OF LYONS

By: _____
Nicholas Angelo, Mayor

Attest:

By: _____
Debra K. Babler, Town Clerk