

**ORDINANCE NO. 42-14**

AMENDING CITY OF DUBUQUE CODE OF ORDINANCES TITLE 13 PUBLIC UTILITIES, CHAPTER 2 SEWERS AND SEWAGE DISPOSAL, ARTICLE D INDUSTRIAL PRETREATMENT PROGRAM BY ADDING DEFINITIONS RELATING TO FATS, OILS, AND GREASES (FOG) AND MODIFYING THE PUBLICLY OWNED TREATMENT WORKS DEFINITION; AND CREATING A NEW ARTICLE E FATS, OILS, AND GREASES (FOG) PROGRAM WHICH DIRECTS THE CITY MANAGER TO DEVELOP A WRITTEN FOG PROGRAM WHICH WILL GOVERN THE INSTALLATION, PROPER USE OF, MAINTENANCE, REPAIR, REPLACEMENT OF, AND RECORDKEEPING REQUIRED FOR SYSTEMS DISCHARGING FOG INTO THE PUBLICLY OWNED TREATMENT WORKS; AND AMENDING TITLE 14 BUILDING AND DEVELOPMENT, CHAPTER 1 BUILDING CODES, ARTICLE H PLUMBING CODE TO RELECT A CHANGE IN THE INTERNATIONAL PLUMBING CODE PROVISION ADOPTING REGULATIONS OF GREASE INTERCEPTORS AND AUTOMATIC GREASE REMOVAL DEVICES TO REQUIRE MAINTENANCE IN ACCORDANCE WITH BOTH THE MANUFACTURER'S INSTRUCTIONS AND THE CITY OF DUBUQUE FOG PROGRAM AND TO ELIMINATE AN EXCEPTION FOR SMALL OUTDOOR INTERCEPTORS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. Title 13, Chapter 2, Article D of the City of Dubuque Code of Ordinances is amended to read as follows:

**13-2D-2: DEFINITIONS:**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have meanings hereinafter designated:

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**FATS, OILS, AND GREASES (FOG):** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. A wide range of food preparation activities including, but not limited to the following, can generate fats, oils and grease: cooking by frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbequing or other food preparation activities that produce a food product in or on receptacles that require washing and/or cleaning. All are sometimes referred to herein as "grease", "greases", or "FOG".

**FOOD ESTABLISHMENT (FE):** A place where food is prepared and intended for individual portion service, whether consumption occurs on or off the premises. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, commercial kitchens, hospitals, schools, hotels and motels, bakeries, caterers, schools, religious institutions, correctional facilities, prisons, nursing homes, care facilities, and any other facility preparing, serving or otherwise making any foodstuff available for consumption.

....

**PUBLICLY OWNED TREATMENT WORKS (POTW):** A treatment works which is owned by a municipality as defined by Section 503(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes, and other conveyances that convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such treatment works. For purposes of this ordinance, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

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Section 2. Title 13, Chapter 2 of the City of Dubuque Code of Ordinances is amended by adding the following new article:

## ARTICLE E. FATS, OILS AND GREASES (FOG) PROGRAM

### 13-2E-1: PURPOSE:

The purpose of this article is to set forth the uniform requirements for users of the City of Dubuque's publicly owned treatment works (POTW) to capture and dispose of fats, oils, and greases (FOG) in accordance with all applicable local, state and federal laws.

### 13-2E-2: DEFINITIONS:

For purposes of this Article the definitions contained in section 13-2D-2 are governing.

### 13-2E-3: PERMIT:

A. All FEs proposing to connect to or contribute to the POTW must obtain a discharge permit before connecting to or contributing to the POTW.

B. New FEs must complete and file with the city manager an application for a discharge permit prior to issuance of the certificate of occupancy and/or food establishment license.

C. All existing FEs' connected to or contributing to the POTW must obtain and pay for a discharge permit in accordance with the approved program.

D. Renewal Discharge Permit applications are due in accordance with the approved program.

**13-2E-4: APPLICATION:**

FEs' required to obtain a discharge permit must complete and file with the city manager an application in the form prescribed by the city.

**13-2E-5: PERMIT FEE:**

A permit application under this title must be submitted along with the required fee, as established by resolution of the city manager.

**13-2E-6: FATS, OILS AND GREASES (FOG) PROGRAM:**

The city manager shall develop, with the approval of the city council, a written FOG program which shall govern the installation, maintenance, repair, replacement, licensing, enforcement and recordkeeping required for systems discharging FOG into the POTW.

**13-2E-7: INSPECTION FEE:**

Routine inspections per the FOG program inspection cycle will incur no inspection fee. Subsequent inspections which follow a violation will be subject to additional inspection fees as established per the FOG program.

**13-2E-8: VIOLATION:**

A failure to comply with the requirements of this article and/or program is punishable as provided in title 1 of this code. Each day of noncompliance with this article is a separate offense.

**13-2E-9: ABATEMENT REMEDIES; PENALTIES:**

A. General: When any repair or abatement is deemed necessary by the city manager the city manager may attempt to procure repair or abatement of the condition.

B. Abatement Described: Abatement includes, but is not limited to repairing, installing, removing, cleaning, draining, or securing a system discharging FOG into the POTW.

C. Recovery Of Costs: Whenever a cost to repair or abate a condition in violation of this article is incurred by the city, the city manager shall prepare and certify the actual

cost, including the expenses of investigating, inspecting, testing, notification, administration and court costs, to the city clerk who, in turn, shall certify such cost to the county treasurer, and it shall then constitute a lien against said property and be collected with and in the same manner as general taxes on said property.

#### 13-2E-10: EMERGENCY ABATEMENT PROCEDURE:

When the city manager determines that a condition in violation of this article constitutes an imminent and compelling danger to the health, safety or welfare of persons or property, the city manager is authorized to abate or cause to be abated the condition without prior notice to the owner. The costs of such action may be assessed against the property after notice to the property owner and hearing as required by law.

Section 3. Title 14, Chapter 1, Article H of the City of Dubuque Code of Ordinances is amended to read as follows:

#### 14-1H-2: INTERNATIONAL PLUMBING CODE AMENDMENTS:

The following additions, deletions, modifications, or amendments of the international plumbing code, 2012 edition, adopted in section 14-1H-1 of this article to read as follows:

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Sec. 100303.1. Grease interceptors and automatic grease removal devices required. A grease interceptor or automatic grease removal device shall be required to receive the drainage from fixtures and equipment with grease laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias and clubs. Fixtures and equipment shall include pot sinks, prerinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained and automatic hood wash units. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils or grease to be discharged. Where lack of space or other constraints prevent the installation or replacement of a grease interceptor, one or more grease interceptors shall be permitted to be installed on or above the floor and upstream of an existing grease interceptor.

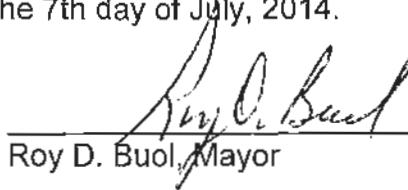
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Sec. 1003.3.4. Grease interceptors and automatic grease removal devices. Grease interceptors and automatic grease removal devices shall be sized in accordance with PDI G101, ASME A112.14.3 Appendix A, or ASME A112.14.4. Grease interceptors and automatic grease removal devices shall be designed and tested in accordance with PDI G101, ASME A112.14.3 or ASME A112.14.4. Grease interceptors and automatic grease removal devices shall be installed in

accordance with the manufacturer's instructions and maintained in accordance with the manufacturer's instructions and the City of Dubuque FOG Program.

Section 4. This Ordinance takes effect upon publication.

Passed, approved, and adopted the 7th day of July, 2014.



Roy D. Buol, Mayor

Attest:



Kevin S. Firnstahl, City Clerk