

ORDINANCE NO. 3446 C.S.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY
AMENDING CHAPTER 30 MONTEREY CITY CODE,
INSTALLATION, MAINTENANCE AND USE OF GREASE TRAPS, GREASE
INTERCEPTORS OR OTHER COMPARABLE DEVICES**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1: Chapter 30 of the Monterey City Code entitled "Sewers and Sewage Disposal" is amended as follows:

**CHAPTER 30
SEWERS AND SEWAGE DISPOSAL**

**ARTICLE 1.
IN GENERAL.**

Sec. 30-1. Connections to City sewer system required.

It shall be unlawful and a nuisance for any person owning any real property within the City, which property fronts upon a street in which there is laid a sewer or otherwise has reasonable access to such a sewer line, to maintain, keep or use, or permit to be maintained, kept or used, any privy, privy vault, cesspool, or septic tank, unless said privy, privy vault, cesspool, or septic tank is connected to said sewer line in a sanitary manner, except that when the City Manager or designee, finds the existing system to be adequately functioning in a sanitary manner and not constituting a health hazard to any person, said system shall be allowed to remain separate from the sewer system. If at any time said non-sewered system shall fail or cease to function in a sanitary manner, connection to the sewer shall be mandatory.

No person shall occupy any lot, piece, or parcel of land within the City without an adequate and sanitary toilet or privy located thereon. (Ord. 3424 § 1, 2009)

Sec. 30-1.5 Maintenance of Sewer Laterals (Ord 3284; 09/2000; Ord 3417; 09/2008)

The responsibility for maintaining sewer laterals in a suitable manner shall be the responsibility of the property owner served by the lateral. The lateral shall be maintained in a manner that prevents the entry of ground water surface waters, or roots into the conveyance, and in a manner that prevents any inappropriate escape or leakage of sewage from the conveyance or that causes harm to the City's sewerage system. For the purposes of this section, the term "sewer lateral" shall mean a pipe designed to convey sewage from a property to a City-owned and accepted sewer main, including the point of connection, located within a public right-of-way or easement. At the discretion of the City Manager or designee, limited areas around trash compactors may be allowed to drain to the sanitary sewer system without excluding rain water.

Sec. 30-1.7 Closure of Sewer Laterals

Property owners shall remove any abandoned sewer lateral as defined herein.

No sewer lateral shall remain in place, without serving an inhabitable building, for more than three months. Laterals that are not serving an inhabitable building shall be removed in their entirety including removal of the connection to the sewer main and reestablishment of the main without a wye or other connection in a manner acceptable to the City Engineer. In certain circumstances, such as where laterals lie under arterial streets, alternate means which ensure a water-tight, smooth and permanent closure of the lateral at the main may be considered by the City Engineer. For the purposes of this section, the term "sewer lateral" shall mean a pipe designed to convey sewage from a property to a City-owned and accepted sewer main located within a public right-of-way or easement. This requirement shall not apply to laterals abandoned before the effective date of this ordinance, unless determined that they are causing problems with the sewer main, as determined by the City Engineer. **Ord 3302 §1; 2002**

Sec. 30-2. Regulations and Standards; City Sewer System; Enforcement Authority.

Except as otherwise modified herein, the most recent and applicable ordinance of the Monterey Regional Water Pollution Control Agency (hereinafter Agency or MRWPCA) currently entitled "Establishing Regulations for the Interception, Treatment and Disposal of Sewage and Wastewater; Providing for and Requiring Charges and Fees Therefore; and Fixing Penalties for the Violation of Said Regulations" establishing certain standards for the interception, treatment and disposal of wastewater into the sanitary sewer system is hereby adopted by reference herein, including any past or future amendments made by the Agency to comply with State and/or Federal laws or regulations. Said regulations shall be applicable to all discharges into the sanitary sewer system of the City, and consistent with the City's current Sanitary Sewer Management Plan (SSMP). The Agency or the City of Monterey are hereby authorized and empowered to administer and enforce said regulations within the City.

The Board of Directors of the Agency is empowered to hear and determine all appeals from Agency action or enforcement pursuant to the "Appeals" section of the most recent MRWPCA ordinance, currently referenced as Section 6.05 of Ordinance No. 2008-01, and their determination shall be final. The City Council of the City of Monterey shall hear and determine all appeals from City action or enforcement pursuant to City and other regulatory requirements, and their determination shall be final.

Sec. 30-2.1 Sewer Main Fund.

All funds collected under former Monterey City Code Section 30-2.1 prior to December 15, 1988 shall continue to be deposited in the "Sewer Mains Fund" and used solely and exclusively for repairs, modifications, alterations and additions to the sanitary sewer system.

ARTICLE 2. OUTSIDE CONNECTIONS TO CITY SEWER SYSTEM.

Sec. 30-3. Permit to make connection -- authority to grant.

Persons owning premises outside the City may be granted a revocable permit to connect with the sanitary sewer system of the City, upon compliance with requirements and conditions contained in this Article.

Sec. 30-4. Permit to make connection -- application.

Applicants for permits to connect with the sanitary sewer system of the City pursuant to this Article shall file with the City Clerk an application therefore, in writing, giving a particular description of the premises to be connected, the value thereof and the purpose for which such premises are to be used.

Sec. 30-5. Permit to make connection -- terms and conditions.

Outside sewer permits under this Article shall be granted subject to the following conditions:

- (a) They are revocable at the pleasure of the City Council at any time, without notice.
- (b) The applicant shall execute and deliver to the City a written agreement granting to the City a lien against the real property being sewered to secure payment of any fees that may accrue during the life of the permit.
- (c) Storm, flood or rain water shall not be allowed to pass into the sanitary sewer system of the City.
- (d) For any violation of the permit, the same may be revoked by the City Council.
- (e) The City is granted the right, without notice, to enter upon the real property in question, and to disconnect such sewer at the cost and expense of the permittee, whenever the City Council revokes the permit for any reason.

Sec. 30-6. Inspection, connection and construction fees; annual charges; irrevocable permits.

In the event the City Council shall grant permits to connect with the City sewer system pursuant to this Article, the applicant shall pay the following fees and charges:

- (a) Prior to connection, an inspection service fee in an amount to be set by resolution.
- (b) Prior to connection, any connection fees which would be applicable if such properties were inside the City.
- (c) Twice the amount of any sewer service fees or charges which would be applicable if such properties were inside the City.
- (d) Annual service fee calculated in accordance with the following schedule:
 - 1. Dwellings, hotels, motels, apartments and other multiple dwelling units, an amount equal to the total City taxes which would be levied if such property were within the City limits.
 - 2. Commercial, industrial and all other properties not covered by paragraphs 1 and 3 of this subsection, an amount established by the City Council but not less than an amount equal to the total City taxes that would be levied if such property were within the City limits.
 - 3. Hospitals, churches, schools and other tax-exempt institutions of a quasi-public nature, including but not limited to, such institutions hereinabove enumerated, an annual service charge, not based upon a theoretical assessed valuation, but directly related to the cost incurred by the City in providing the service to the institution at a premium rate at least twice the cost to the taxpayers within the City. The Council may also find and determine that privately owned institutions of similar character providing a quasi-public service should, for equitable reasons, pay service fees on substantially the same basis as tax-exempt institutions and may, therefore, establish the fees for such institutions pursuant to this section. Any basic rate established by the Council under this paragraph may be reviewed at least once every four (4) years and the contract shall so provide.

4. For purposes of this subsection, the tax rate shall be the annual City tax rate within the highest district of the City, including both the general City tax rate and any amounts for bond redemption, but shall exclude special assessments. The assessed value shall be as shown on the last equalized assessment roll of the county. For new structures, where the assessed value has not been established, the Finance Director shall estimate the assessed value and shall adjust the fees paid when such properties appear on the assessed roll. All annual fees shall be paid on or before July 1 of each year. Connections made after July 1 of any year shall be pro-rated to the next July 1.

(e) In addition to the above fees and charges, the City Council may require the permittee to construct, modify, improve or enlarge any sanitary sewer collection facilities, or pay a fee for such construction, modification, improvement or enlargement, where connection to the City system necessitates such construction. The necessity and amount of such construction or payment of fees shall be determined prior to the granting of any permit and shall be within the sole discretion of the City Council.

(f) Section 30-5(a) notwithstanding, the City Council may, due to the capital investment of the permittee in collection facility improvements, determine that the permit shall be irrevocable for a reasonable period of time, provided, however, that such agreement not to revoke the permit shall not affect the City's right to revoke the permit for nonpayment of fees or violation of other terms and conditions of the permit or of this Article.

(g) In addition to the above fees and charges, require payment of monthly fees from businesses that include food service pursuant to Fat, Oil and Grease Program requirements. (Resolution 07-079).

Sec. 30-7. Payment of annual charges.

The annual charge for outside sewer permits under this Article shall be payable to the City annually in advance, on or before the first day of July each year, and if payment be not made at such time, a penalty of 25% of such sewer charge shall be added to such charge for such delinquency; provided, that where a permit is granted after July 1 of any year, the permittee shall be required to pay a proportionate part only of the charge, based on the remaining months of such fiscal year after such permit has been granted.

Sec. 30-8. Plumbing requirements for connections.

All sewer connections pursuant to this Article shall be made in a manner satisfactory to the City Engineer and Chief of Inspection Services/Building Official.

No outside sewer permit shall be granted as to a new building or establishment unless the plumbing therein, and in connection therewith, complies with the Plumbing Code of the City adopted by Section 9, Articles 1.0 and 1.5; nor, in the case of an old building or establishment, unless the plumbing therein, and in connection therewith, is approved by the Building Inspector.

ARTICLE 3. (Ord 3357, 07/2005) INSTALLATION, MAINTENANCE AND USE OF FAT, OIL AND GREASE PRETREATMENT EQUIPMENT.

Section 30-9. Purpose.

The purpose of this article is to set forth implementation and enforcement policies, procedures, and requirements for food service establishments governing the installation,

maintenance, and use of grease traps, grease interceptors or other comparable devices which represent the best practicable control technology for fats, oil, and grease removal.

Section 30-9.1. Enforcement of Article.

The provisions of this Article shall be enforced by any duly authorized employee or agent of the City or by the duly appointed representative of the Monterey Regional Water Pollution Control Agency. Enforcement authority shall be as laid out in Section 30-2 of this Chapter.

Section 30-9.2. Authority to Inspect.

Whenever necessary to make an inspection to enforce any provision of this Article, or whenever the City Engineer, Chief of Inspection Services/Building Official or designee for these roles, has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Article, the authorized representative may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to grease source control equipment maintenance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 3424 § 1, 2009)

Section 30-9.3. Conflict.

In the event of any conflict between the provisions of this Chapter and the California Plumbing Code or MRWPCA ordinances, the provisions of this Chapter shall prevail. All provisions set forth by the Agency not in conflict with this Ordinance shall remain in full effect.

Section 30-9.4. Definitions.

(a) "Food service establishment" means an establishment that prepares and/or sells food for consumption either on or off the premises or washes utensils or dishes on premises that would contribute grease to the sewer system, including, but not limited to, restaurants, sandwich shops, delicatessens, bakeries, cafeterias, markets, bed and breakfast inns, motels, hotels, meeting halls, caterers, retirement and nursing homes or pizzerias. The term, as used in this Chapter, does not refer to food stores or establishments that do not prepare food on premises and do not process food in a manner which contributes grease to the sewer system.

(b) "Grease interceptor" means a large preformed tank installed underground so constructed as to separate and trap or hold, oil and grease substances from the sewage discharged from a facility in order to keep oil and grease substances from entering the sanitary sewer collection system.

(c) "Grease trap" AKA Hydromechanical Grease Interceptor means a device placed under or in close proximity to sinks or other facilities likely to discharge grease in an attempt to separate, trap or hold oil and grease substances to prevent their entry into the sanitary sewer collection system.

(d) "MRWPCA" means the Monterey Regional Water Pollution Control Agency.

Section 30-10. Requirement for grease trap, grease interceptor, or other device.

(a) A food service establishment or any other business discharging fats, oil, and grease, or other similar material shall have an operable grease trap, grease interceptor or other comparable device(s) as determined by MRWPCA, the City Engineer, and/or the City's Chief of

Inspection Services/Building Official to be an adequate substitute for a grease trap or grease interceptor. A properly sized interceptor or trap shall be considered first, in conformity with the sizing matrix set forth by the MRWPCA. Should space limitations or other exceptional circumstances prevent their installation, the City may grant waivers to the requirement for grease interceptors in this section.

(b) All drains from food preparation and clean up areas including, but not limited to, pre-wash sinks, floor drains, pots and pans sinks, scullery sinks, dishwashers and garbage can wash areas shall be connected to such interceptor. Food waste disposal units are only allowed where a grease interceptor has been installed and must be connected to that interceptor.

(c) Sizing Formula. The size of a grease trap or grease interceptor shall be as determined by the MRWPCA. Notwithstanding the foregoing, grease traps required by this Chapter shall be no smaller than an 80-gallon liquid capacity trap unless otherwise approved by the Chief of Inspection Services/ Building Official. (Ord. 3424 § 1, 2009)

Section 30-10.1. Applicability and penalty provision.

(a) Existing food service establishments must not cause blockages of their own sanitary sewer lateral or City sewer mains which contribute to sanitary sewer overflows or increased maintenance of the sewer system. Food service establishments not otherwise required to upgrade their grease control equipment or that have been granted a waiver pursuant to this Article may be required to upgrade their equipment in accordance with the Grease Source Control Program adopted by resolution by the City of Monterey.

(b) New construction of food service establishments shall be required to comply with Section 30-10 subsections (a) through (c) except that waivers will not be considered.

(c) Existing food service establishments shall install and/or upgrade grease source control equipment consistent with MRWPCA sizing matrix standards, the California Plumbing Code as applicable, and the requirements of the Chief of Inspection Services/Building Official consistent with all applicable codes and agreements.

(1) Food Service Establishments are required to:

(i) Install an interceptor sized according to MRWPCA's Grease Equipment Sizing Matrix, or:

(ii) At a minimum, install a grease trap sized according to inspection records, no smaller than 80 gallon liquid capacity, unless a hardship can be proven and the Chief of Inspection Services/Building Official approves a smaller size.

(2) Food Service Establishments that choose to install a grease trap instead of an interceptor will be required to pay a monthly grease pretreatment waiver fee as adopted by resolution 07-079 by the City of Monterey.

(3) Food service establishment(s) that fail to install adequate grease pretreatment equipment by:

(i) September 1, 2010, or within one year of notification of requirement, will be charged double the initial waiver fee, and,

(ii) By September 1, 2011, or within two years of notification of requirement, will be charged triple the initial waiver fee.

(d) Existing food service establishments undergoing a facility remodel shall install and/or upgrade grease source control equipment consistent with the policies herein, the cost of which shall not be less than 15 percent of the total cost of remodel.

Section 30-11. Grease regulations and procedures.

(a) When waste treatment is required pursuant to this Chapter, an approved grease trap or grease interceptor complying with the provision of this Chapter shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment.

(b) A plumbing permit shall be obtained from the Chief of Inspection Services/Building Official prior to the installation of a grease trap or grease interceptor.

(c) Each trap, interceptor, or comparable device required by this Chapter shall have an approved volume not less than that required by this Chapter or by current standards adopted by MRWPCA.

(d) Toilets, lavatories, and other sanitary fixtures shall not be connected to any grease trap, grease interceptor, or comparable device.

(e) Location of Grease Traps, and Grease Interceptors.

(1) Grease Interceptors shall be located outside buildings, unless a finding is made by the Chief of Inspection Services/Building Official or authorized representative that the location of the building on the site or some other aspect of the use prevents an outside location and that placement within a building is not hazardous to public health and safety;

(2) They shall be located and maintained at all times so as to prevent the entrance of foreign materials, shall be easily accessible for cleaning, inspection, and removal of intercepted grease, and shall pose no hazard to public health or safety;

(3) They shall be located on private property. If this is found to be impracticable, the owner must apply for approval from the Department of Plans and Public Works for an encroachment within the public right-of-way. All encroachment permits for grease interceptors located within the public right-of-way shall be recorded with the County Recorder's Office prior to installation;

(4) If they are not designed in accordance with the California Plumbing Code, they must be designed by a professional engineer, must be consistent with the standards of this Chapter, and must be approved by the Chief of Inspection Services/Building Official or authorized representative.

(f) Related Equipment.

(1) Grease Interceptors shall be fitted with a minimum of two standard service access covers or manholes. Manholes shall be brought to grade and finished with standard manhole cover and ring with H-20 traffic load bearing capacity.

(g) All discharging fixtures shall be individually trapped and vented in accordance with the UPC.

(h) Grease pretreatment equipment shall be constructed of durable materials and shall have a full-size gas-tight cover which can easily be removed.

(i) Grease pretreatment equipment shall not be installed until the type and/or model has been subjected to, and has fully complied with, tests acceptable to the Chief of Inspection Services/Building Official. Where an existing grease trap or grease interceptor is found to be compliant with the adopted Grease Source Control Program, such equipment will be allowed to remain in use. Whenever a grease trap or grease interceptor does not comply with the provisions of this Article or the adopted grease control program, the Chief of Inspection Services/Building Official shall require corrective measures.

(j) Prohibited and/or Restricted Equipment.

(1) The installation and use of garbage grinders (food waste disposals) in commercial-food establishments is prohibited, except where a grease interceptor is in use;

(2) The connection of dishwashers to a grease trap is prohibited;

(3) The use of enzymes or bacterial cultures designed to disperse grease is prohibited unless specifically approved in writing by the Monterey County Health Department and the MRWPCA.

(k) Maintenance.

(1) Traps and interceptors shall be properly maintained in efficient operating condition by periodic removal of the accumulated grease. No collected grease shall be introduced into any public or private drainage or sewerage piping.

(2) Any grease trap or grease interceptor required by this Chapter shall be readily accessible for inspection and properly maintained to assure that accumulations of grease or oil do not impair its efficiency or transport grease or oil into the sewer system.

(3) All food service establishments or businesses required under this Chapter to install and keep a grease trap or grease interceptor shall maintain a maintenance record for the grease trap or grease interceptor. This record shall include the date, the name of the person who performed cleaning and the disposal site of the waste. The record shall be posted in a conspicuous location and be available for review by the City's inspector or authorized representative at each routine inspection and at such other time as necessary for the City to determine whether a particular establishment may be performing maintenance contrary to the provisions of this Chapter.

(4) In the event the City determines that a food service establishment or business required to install and maintain a grease trap either fails to maintain the maintenance record required by this section, or fails to maintain the grease trap as required by this section, the City may require the immediate installation of a grease interceptor.

(m) Suspension or Termination of Health Permit. The City shall have the discretion to request the Monterey County Health Department (the City's health officer) to terminate or cause to be terminated the health permit of any user if a violation of any provision of this Chapter is found to cause a condition of contamination, pollution, nuisance, or other threat to public health or safety.

(n) Request for Ruling. If an applicant for a permit or the owner of a grease trap or grease interceptor disputes the interpretation or application of this Chapter, he/she may request a written ruling by the Chief of Inspection Services/Building Official. The decision of the Chief of Inspection Services/Building Official shall be final for all purposes. (Ord. 3424 § 1, 2009)

Sec. 30-11.1 Grease pretreatment waiver fee.

In addition to the penalty provisions of Section 30-10.1, a grease interceptor waiver fee (grease surcharge fee) is to be charged to all FSEs that are granted a waiver from having to install a grease interceptor and instead install grease trap(s). Said fee is to commence no sooner than eight weeks after notices have been sent to FSEs advising owner of the grease pretreatment requirements. If in the opinion of the Chief of Inspection Services/Building Official a FSE is producing minimal grease and all grease producing fixtures are connected to a properly sized grease trap, an exception to the waiver fee may be granted.

Sec. 30-11.2 Collection of waiver fees -- delinquency.

Fees charged pursuant to this article shall become due and payable quarterly. Any fee shall become delinquent if not paid within thirty (30) days after mailing of notice thereof. Any fee that becomes delinquent shall have added to it a penalty charge equal to ten percent (10%) of the fee that became delinquent.

**ARTICLE 4.
SEWER SERVICE FEE. (Ord. 2208, 5/78)**

Sec. 30-12. Sewer user fee.

There is hereby established and assessed against every user of the sanitary sewer system of the City of Monterey a fee for the use of said sanitary sewer system in the amount set forth herein. (Ord. 2208 § 1, 1978)

Sec. 30-13. User defined.

“User” shall mean any person, firm or corporation who makes or maintains a connection to the sanitary sewer system of the City of Monterey. For the purpose of establishing liability for payment of said fees, the user shall be rebuttably presumed to be the person, firm or corporation who has contracted with the servicing public utility for water service. (Ord. 2208 § 2, 1978)

Sec. 30-14. Fee.

The fee shall be forty-six and 7/10 percent (46.7%) of the sewer user fee charge established by the Monterey Regional Water Pollution Control Agency pursuant to Agency Ordinance No. 2001-01, adopted on June 25, 2001, as amended by Agency Ordinance No. 2008-02 adopted on July 28, 2008. (Ord. 3316 § 1, 2003; Ord. 3123 § 1, 1993; Ord. 2208 § 3, 1978)

Sec. 30-15. Increased fees.

Should the Agency increase or decrease its service charge, the City fee shall remain at forty-six and 7/10 percent (46.7%) (Ord. 2208 § 4, 1978)

Sec. 30-16. Collection of fees -- delinquency.

Fees charged pursuant to this article shall become due and payable at the same time and in the same manner as the Agency fee. Any fee shall become delinquent if not paid within thirty (30) days after mailing or delivery of notice thereof. Any fee that becomes delinquent shall have added to it a penalty charge equal to ten percent (10%) of the fee that became delinquent. (Ord. 2208 § 5, 1978)

Sec. 30-17. Agency authorized to collect fees.

The Monterey Regional Water Pollution Control Agency is hereby authorized, as a part of the City, to collect the fees assessed by this article. The City Manager, or designee, is authorized to execute an agreement with the Agency to collect said fees and to pay the Agency its cost of collection. (Ord. 2208 § 6, 1978)

SECTION 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This Ordinance shall be in full force and effect 30 days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 16th
day of March, 2010, by the following vote:

AYES: 3 COUNCILMEMBERS: Della Sala, Selfridge, Sollecito

NOES: 0 COUNCILMEMBERS: None

ABSENT: 2 COUNCILMEMBERS: Downey, Haferman

ATTEST:

APPROVED:



City Clerk thereof

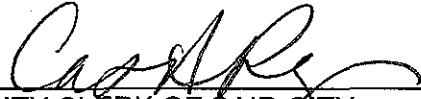


Mayor of said City

STATE OF CALIFORNIA
COUNTY OF MONTEREY
CITY OF MONTEREY

I, Catherine A. Raynor, SENIOR ASSISTANT CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 2nd DAY OF March, 2010 BY THE FOLLOWING VOTE:

AYES	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None


CITY CLERK OF SAID CITY

PUBLICATION: March 6, 2010