

ORDINANCE NO. 1375
Series of 2012

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO AMENDING THE TELLURIDE MUNICIPAL CODE AT §13-1-30 DEFINITIONS AND §13-1-190 NONACCEPTABLE WASTE TO INCORPORATE REQUIREMENTS FOR MANAGEMENT OF FATS, OILS, AND GREASE (FOG) BY FOOD SERVICE ESTABLISHMENTS TO PROTECT THE MUNICIPAL WASTEWATER SYSTEM

WHEREAS, wastewater treatment systems across the country and within the Telluride Region are adversely impacted by fats, oils, and grease (FOG) originating from food service establishments; and

WHEREAS, the Telluride Town Council held a Work Session to discuss the problems associated with fats, oils, and grease (FOG) entering the wastewater system on April 19, 2011; and

WHEREAS, on April 24, 2012, the Telluride Town Council discussed the year-long outreach and education to FSEs and the general public regarding the adverse impacts of FOG on wastewater systems and on methods to better manage FOG at the source; and

WHEREAS, the Telluride Town Council determined that staff should amend the Telluride Municipal Code to better ensure compliance with the FOG Management Program; and

WHEREAS, the Town Council continues to find there is a substantial and compelling public interest to protect the municipal wastewater system by promoting the management of excessive fats, oils, and grease originating from food service establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO, AS FOLLOWS:

Section 1.

Telluride Municipal Code §13-1-30(e) is amended to read as follows:

(e) Any solid or liquid substance capable of obstructing the flow in the sewer or of otherwise interfering with the proper operation of the sewage works, including but not limited to

- 1. Ashes, cinders, sand and mud;*
- 2. Shavings, feathers, tar and plastics; ~~and~~*
- 3. Rags, glass and metal; and*
- 4. Fats, oils, and grease.*

Section 2.

Telluride Municipal Code §13-1-30 is amended by adding the following definitions and corresponding changes as required to maintain the alphabetical structure:

Food Service Establishment (FSE) means any commercial, institutional, or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device pursuant to the International Building Code.

Grease control device means a device used to collect, contain, and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the Town's wastewater collection system. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the Town Manager.

Waste Grease Transporter means a contractor who collects the contents of a grease interceptor or trap, or used fryer oil and transports it to a recycling or disposal facility.

Proper disposal for waste removed from a grease control device or used fryer oil means that the substance is removed from the premises by a Waste Grease Transporter that is registered with the Colorado Department of Public Health and Environment to handle such waste.

Section 3.

Telluride Municipal Code §13-1-190 Nonacceptable waste is amended to read as follows:

- (a) *No person shall permit nonacceptable wastes to enter, directly or indirectly, into the sewage works. ~~Nothing shall prohibit persons from converting the wastes into sanitary sewage and then permitting the sewage to enter the sewage works.~~ Except as to the mandatory FOG provision set forth below, the Town Manager may require other owners or users to install, at his or her own expense, grease, oil or sand interceptors to be installed wherever necessary. (Prior code 13.04.190)*
- (b) *Fats, Oils, and Grease (FOG). To aid in preventing the introduction and accumulation of fats, oils, and grease (FOG) into the municipal wastewater system, causing, tending to cause, or contributing to sanitary sewer blockages and obstructions and maintenance problems at the regional wastewater facility, all retail food establishments are required to install and maintain grease control devices and manage used fryer oil according to the provisions below.*

(1) Grease Control Devices.

- a. New Food Service Establishments (FSEs) shall be required to install, operate, and maintain a grease control device in compliance with the requirements of the International Plumbing Code and this Code
- b. Existing FSEs in operation as of the effective date of this Ordinance may continue to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition. An existing FSE shall install a new grease control device that complies with the requirements of the International Plumbing Code if its grease control device is determined not to be in proper operating condition. Existing FSEs that do not currently have a grease control device, shall install a grease control device that complies with the requirements of the International Plumbing Code whenever there is a change of ownership of the real property or issuance of a building permit for remodel of the FSE kitchen.
- c. Installation. Grease control devices shall be installed by a licensed plumber. Where possible, a grease control device shall be located outside. When installed inside, a grease control device shall be located away from the food preparation area. Every grease control device shall be installed and connected so that it is readily accessible for inspection, cleaning, and removal of the intercepted food waste and grease at any time.
- d. Registration. Each grease control device shall be registered with the Telluride Public Works Department within 90 days of the effective date of this Ordinance or upon the date of installation. Public Works will provide a registration form.
- e. Maintenance. Grease control devices shall be properly maintained at all times. Maintenance shall include the complete removal of all contents, including floating materials, wastewater and settled solids. Decanting or discharging of the removed waste back into the grease control device or private sewer line or into any portion of the Town's wastewater collection system is prohibited. In no event shall the content of food solids and FOG exceed twenty-five percent (25%) of the overall liquid depth of the device.
- f. Evidence of Maintenance. The Town Manager shall have the authority to make such inspections as are authorized by law during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the grease control device(s) installed in an FSE. Upon request, FSEs must show evidence of an active contract to service all grease control devices on the premises and haul the waste. Alternatively, the FSE itself must provide evidence of regular maintenance and proper waste disposal. In either case, a copy of a Grease Control Device Maintenance & Waste Disposal Affidavit shall be required and will include the following information: date, time, volume, and responsible person or contractor. The original affidavit, as well as originals of all

contracts and receipts for at least one (1) year will remain at all times on the premises of the FSE.

- g. Use of additives that prevent grease from accumulating in grease control devices is prohibited.

(2) Stored Used Fryer Oil

- a. Evidence of Proper Disposal. The Town Manager shall have the authority to require evidence of an active contract to haul used fryer oil from an FSE. Alternatively, the FSE itself must provide evidence of proper disposal, such as a receipt from a disposal facility. In either case, a copy of a Used Fryer Oil Disposal Affidavit shall be required and include the following information: date, time, volume, and responsible person or contractor. The original affidavit, as well as originals of all contracts and receipts for at least one (1) year will remain at all times on the premises of the FSE.
- b. Used Fryer Oil Storage. The Town Manager shall have the authority to inspect all areas where used fryer oil is stored. Proper storage criteria shall include: (1) sealed storage, (2) spill containment, (3) a spill response plan. Used fryer oil is considered to be refuse and pursuant to Telluride Municipal Code §7-5-10 must be collected no less than every two (2) weeks.

Section 4. Prior Ordinance Effect

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinance.

Section 5. Severability

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 6. Effective Date

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Telluride.

INTRODUCED, READ, and REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado, on the 26 day of June, 2012.

TOWN OF TELLURIDE

By:

Stuart Fraser
Stuart Fraser, Mayor

ATTEST

Mary Jo Schillaci
Mary Jo Schillaci, Town Clerk

READ and REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado, on the 17 day of July, 2012.

TOWN OF TELLURIDE

By:

Stuart Fraser
Stuart Fraser, Mayor

ATTEST

Mary Jo Schillaci
Mary Jo Schillaci, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado, this 7 day of Aug, 2012.

TOWN OF TELLURIDE

By:

Stuart Fraser
Stuart Fraser, Mayor

ATTEST

Mary Jo Schillaci
Mary Jo Schillaci, Town Clerk

APPROVED AS TO FORM:

Kevin J. Geiger
Kevin J. Geiger, Town Attorney

STATE OF COLORADO)
)
 COUNTY OF SAN MIGUEL) ss.
)
 TOWN OF TELLURIDE)

I, Mary Jo Schillaci, the Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify:

- The foregoing pages are a true and correct copy of an ordinance (the "Ordinance") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on August 7, 2012.

- The Ordinance was duly moved and seconded and the Ordinance was adopted at the Town Council meeting of August 7, 2012, by an affirmative vote of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Stuart Fraser, Mayor	/			
Bob Saunders, Mayor Pro-Tem	/			
Ann Brady	/			
Thom Carnevale	/			
Chris Myers	/			
Kristen Permakoff	/			
Brian Werner			/	

- The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

- There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Ordinance.

- The members of the Council were present at the meeting and voted on the passage of such Ordinance as set forth above.

(SEAL)



 Town Clerk