

## **ORDINANCE NO. 1800**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE ADDING CHAPTER 13.76 TO THE HAWTHORNE MUNICIPAL CODE PERTAINING TO COMMERCIAL WASTE DISCHARGE CONTROL**

The City Council of the City of Hawthorne does hereby ordain as follows:

SECTION 1: The City Council hereby finds and declares as follows:

A. Commercial facilities produce grease and other deleterious materials as a by-product of their operations, which, if not properly disposed of, creates the potential for blockage and/or damage of City sewer lines, resulting in damage to both public and private property, and spillage that has the potential to damage water quality in the Dominguez Channel and subsequently the LA Harbor and the Pacific Ocean.

B. The Uniform Plumbing Code requires new commercial kitchens that have the potential to produce a significant amount of grease to have grease control devices. Additionally, several types of commercial facilities produce wastes with the same potential for blocking or damaging the sewer system and should be bound by the same requirements. Hawthorne has a large number of commercial facilities that commenced operation prior to the adoption of current codes and which do not have grease control devices or industrial waste interceptors. These commercial facilities require the City to do additional preventive maintenance on sewer lines as well as respond to and clean up blockages and spillages caused by improper grease and/or commercial waste disposal. However, the City Council does not wish to impose cost-prohibitive new disposal requirements on existing commercial facilities; rather, that these establishments come into compliance with the current codes when significant improvements are made.

C. Residential, and office uses, discharge substantially smaller quantities of grease into the City sewer system than commercial facilities. The provisions of this Chapter are not applied to those uses since they do not cause frequent blockages or require additional preventative maintenance of sewer lines.

SECTION 2: Chapter 13.76 of the Hawthorne Municipal Code is added to read as follows:

#### **CHAPTER 13.76**

#### **COMMERCIAL WASTE DISCHARGE CONTROL**

Sections:

- 13.76.010 Intent and Purpose.
- 13.76.020 Definitions.
- 13.76.030 Food Grinders Prohibited.
- 13.76.040 Grease Control Device Required.
- 13.76.050 Grease Control Device Permit Required.
- 13.76.060 Exceptions - Grease Disposal License.
- 13.76.070 Industrial Waste Interceptor Required.
- 13.76.080 Commercial Waste Discharge Permit Required.
- 13.76.110 Appeals.
- 13.76.120 Maintenance Requirements.

13.76.130 Violations.  
13.76.140 Penalties for Violation.

SECTION 13.76.010. Intent and Purpose.

It is the intent of this Chapter to establish regulations for the disposal of grease and other insoluble waste discharges from commercial kitchens and other commercial businesses within the City. The City Council, in enacting the ordinance codified in this Chapter, intends to provide for the maximum beneficial public use of the City's sewer system, to prevent blockages of that system and accidental discharge of grease or other potentially deleterious materials onto City streets and into the storm drain system, to ensure the cost of maintaining the public sewer system is equitably distributed amongst users, to clarify grease and commercial waste disposal requirements for existing commercial kitchens and other commercial facilities, and to promote public health and safety.

SECTION 13.76.020. Definitions.

- A. "Automotive Repair Facility" shall mean any business operating in the City of Hawthorne, whose business includes the diagnosis and/or repair of vehicles including, but not limited to automobiles, commercial trucks, and heavy equipment.
- B. "Car Wash Facility" shall mean any facility engaged in the commercial washing of vehicles including but not limited to New and Used Automobile Dealers, Auto Detailers, Commercial Car Washes and Self-Service Car Washes. Non-commercial car washing by residents and non-profit groups are specifically excluded.
- C. "Commercial kitchen" shall mean any business operating in Hawthorne as a full service or take-out restaurant, catering kitchen, employee cafeteria, or any other facility engaged in preparing and heat-processing food for consumption by the public or employees and which uses any equipment that produces grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood. Establishments engaged only in assembling or serving food that is prepared entirely off site, and whose kitchen equipment consists only of beverage warmers and microwaves are not considered commercial kitchens.
- D. "Commercial facility" shall mean any facility, including automotive repair facilities, car wash facilities, commercial kitchens, and manufacturing facilities that have a process whereas potentially deleterious wastes may discharge to the sanitary sewer system. Facilities issued current and valid Industrial Waste Discharge Permits by the Sanitation Districts of Los Angeles County are not considered commercial facilities and are exempt from the permitting, inspection and fee provisions of this chapter.
- E. "Commercial waste" means any and all waste substances, liquid or solid, except domestic sewage, and includes among other things grease laden wastewaters, sediment laden wastewaters, explosive, noxious or toxic gas when present in the sewage system.
- F. "Commercial waste control device" shall mean any grease interceptor, grease trap or other mechanism which attaches to wastewater plumbing fixtures for the purpose of collecting grease for off-site disposal.
- G. "Food grinder" shall mean any device installed in the sewage system for the purpose of disposing food waste in the public sewer system.

H. "Grease" shall mean any oil, fat, or oily, fatty substance such as but not limited to vegetable or animal fat that turns or may turn viscous or solidifies with a change in temperature or other conditions.

I. "Interceptor" means and is a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from wastes.

J. "Person" shall mean any individual, firm, corporation, partnership, association or other group or combination of individuals acting as a business unit.

K. "Remodeling" shall mean any physical change to a commercial kitchen that requires a building permit and involves under slab plumbing work in a food processing area.

L. "Wastewater" shall mean water containing animal, vegetable or potentially deleterious matter (including industrial waste) and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

M. "Significant Improvement" shall mean: When a change in operations occurs; a remodel of a commercial kitchen as defined in this chapter; or a sewer stoppage or damage occurs; or a change in operations such as a modification in the operational procedures of any commercial facility, which has the potential to significantly increase the amount of waste generated by food preparation or other activity; including, without limitation, any substantial increase in the net public area, any substantial increase in the hours of operation, any significant increase in the size of the facility or the number of employees, or any significant change in the size or type of equipment.

#### SECTION 13.76.030. Food Grinders Prohibited.

The installation and use of food grinders shall be prohibited in all new commercial kitchens in new or existing buildings, in all existing commercial kitchens undergoing remodeling, and in all existing food preparation and service establishments undergoing remodeling or a change in operations such that they would become a commercial kitchen.

#### SECTION 13.76.040. Commercial waste Control Device Required.

A. All commercial kitchens shall have grease control devices as required by the Uniform Plumbing Code, or shall otherwise comply with the provisions of this Chapter.

B. New commercial kitchens in new or existing buildings shall have grease control devices as required by the Uniform Plumbing Code.

C. Existing commercial kitchens undergoing a significant improvement shall have grease control devices as required by the Uniform Plumbing Code.

D. Existing food preparation and service establishments and commercial kitchens undergoing remodeling or a change in operations shall have grease control devices as required by the Uniform Plumbing Code

E. The Director of Building and Safety or designee shall not issue a Certificate of Occupancy for a commercial kitchen which is required to have a grease control device until such device has been installed and inspected and approved by the Building Department.

#### Section 13.76.045 Commercial Waste Discharge Permit

A. All commercial kitchens and food preparation and service establishments, with a grease control device as prescribed by this chapter, shall have the connection to the sanitary sewer system, from said device, permitted by the City in a form approved by the Chief of General Services and Public Works or designee.

B. Commercial Waste Discharge Permit shall require the payment of an initial permit fee, and an annual inspection fee, and at time of renewal or revision, a renewal/revision fee.

C. The Commercial Waste Discharge Permit is not transferable to new owners.

D. Persons seeking a commercial waste discharge permit shall complete and file with the Director of Building and Safety or designee an application on the form prescribed by the City. Applications shall be accepted only from the owner or operator of the commercial kitchen or food preparation and service establishment. The applicable fee shall accompany the application. The applicant shall provide at a minimum the following information:

1. Name and address of applicant;
2. Address for which the permit is requested;
3. Site plan showing property lines, easements, structures, and location of grease control device;
4. Description of food processing, type and number of meals to be served, cleanup procedures, size of kitchen, and dining room capacity;
5. List of kitchen appliances, fixtures and ventilating equipment;
6. Volume and type of wastewater to be discharged;
7. Any other information deemed necessary by the Director of Building and Safety or designee to evaluate the application.

E. A commercial waste discharge permit shall be valid for five years, and shall be automatically renewed, provided:

1. There has been no significant improvements; and
2. The licensee has not violated this chapter, the Uniform Plumbing Code, or other laws during the previous five years; and
3. The permit renewal and annual inspection fees are paid.

#### SECTION 13.76.050. Exceptions- Commercial Waste Disposal License.

A. Commercial kitchens and food preparation and service establishments that would become commercial kitchens upon completion of remodeling or a change in operations may obtain a commercial

waste disposal license in lieu of installing a commercial waste control device upon a determination by the Director of Building and Safety or designee that there are physical limitations to a property that make the installation of a grease control device infeasible or contrary to other laws.

B. In lieu of a commercial waste control device, the applicant for a commercial waste disposal license shall procure a tallow bin or grease barrel, and the services of a grease-rendering vendor to collect and dispose of waste oils, greases and other materials off-site. All manifests for said collection shall be kept onsite, and available for review by City representatives.

C. A commercial waste disposal license shall require the payment of an annual fee to defray a portion of the City's costs of maintaining the sewer system free of grease and resultant blockages. This fee shall be established by resolution of the City Council, and shall be limited to the incremental increase in the cost of preventive maintenance attributable to the licensee. The Director of Building and Safety or designee shall not issue a certificate of occupancy for any commercial kitchen that obtains a grease disposal license until a tallow bin or grease barrel has been obtained, and the first annual fee has been paid to the City.

D. Persons seeking a commercial waste disposal license shall complete and file with the Director of Building and Safety or designee an application on the form prescribed by the City. Applications shall be accepted only from the owner or operator of the commercial kitchen or food preparation and service establishment. The application shall be accompanied by the applicable fee. The applicant shall provide the following information:

- (1) Name and address of applicant;
- (2) Address of premises for which the license is requested;
- (3) Site plan showing property lines, easements, structures, and any other features that limit the installation of a grease control device; and the location of the tallow bin or grease barrel;
- (4) Description of food processing, type and number of meals to be served, cleanup procedures, size of kitchen, and dining room capacity;
- (5) List of kitchen appliances, fixtures and ventilating equipment;
- (6) Volume and type of wastewater to be discharged; and
- (7) Any other information deemed necessary by the Director of Building and Safety or designee to evaluate the application.

E. A commercial waste disposal license shall be valid for one year, and shall be automatically renewed, provided:

- (1) There has been no remodeling of the premises, or change in operations; and
- (2) The Licensee has not violated this Chapter, the Uniform Plumbing Code, or other laws during the previous year; and
- (3) The annual in-lieu fee is paid.

#### SECTION 13.76.070. Commercial Waste Interceptor

- A. All New commercial facilities, in new or existing buildings shall install an industrial waste interceptor as required by this chapter.
- B. Existing commercial facilities undergoing significant improvements shall have an commercial waste interceptor as required by this chapter,
- C. The Director of Building and Safety or designee shall not issue a Certificate of Occupancy for a commercial facility which is required to have an commercial waste interceptor until such device has been installed and inspected and approved by the Building Department and all permit and inspection fees have been paid.
- D. The Chief of General Services and Public Works may, for a specific facility, waive the requirement for the Commercial Waste Discharge Permit and installation of treatment facilities upon satisfactory evidence that commercial waste discharges will not occur from the facility.

#### SECTION 13.76.070. Commercial Waste Discharge Permit Required

- A. All commercial facilities, with a commercial waste interceptor as prescribed by this chapter, shall have the connection to the sanitary sewer system, from said device, permitted by the City pursuant to section 13.56.010 of the Hawthorne municipal code.
- B. A commercial waste discharge permit shall require the payment of an initial permit fee, and an annual inspection fee, and at time of renewal, a renewal fee.
- C. Persons seeking a commercial waste discharge permit shall complete and file with the Director of Building and Safety or designee an application on the form prescribed by the City. Applications shall be accepted only from the owner or operator of the commercial facility. The application shall be accompanied by the applicable fee. The applicant shall provide at a minimum the following information:
  - 1. Name and address of applicant;
  - 2. Address for which the permit is requested;
  - 3. Site plan showing property lines, easements, structures, and location of industrial waste interceptor;
  - 4. Description of processes;
  - 5. List of tools, fixtures and equipment used in processes;
  - 6. Volume and type of wastewater to be discharged;
  - 7. Any other information deemed necessary by the Director of Building and Safety or designee to evaluate the application.

#### SECTION 13.76.110. Appeals.

Any decision of the Director of Building and Safety or designee pursuant to this Chapter may be appealed by any interested party to the City Manager.

#### SECTION 13.76.120. Maintenance Requirements.

A. Each commercial facility with a commercial waste control device or commercial waste interceptor shall be required to employ an appropriate service or procedures for periodic collection of accumulated materials from said device. The collection period shall be, at a minimum, at three (3) month intervals. More frequent collection may be necessary to prevent overflows. No accumulated grease or other accumulated material shall be introduced into any sewer lateral, public sewer, storm drain, or public way.

B. Each commercial facility with a commercial waste control device or commercial waste interceptor shall be required to keep records onsite, of cleaning, maintenance, and grease and accumulated materials removal.

C. Each commercial facility with a commercial waste control device permit, a commercial waste disposal license, an commercial waste discharge permit, Or those existing facilities with grease interceptors and grease control devices shall allow City representatives access to the premises, for purposes of sampling, inspections and review of records relating to the device.

#### SECTION 13.76.130. Violations.

A. The owner and operator of a commercial kitchen or facility shall be in violation of this Chapter if he or she:

- (1) Fails to install a commercial waste control device as required by the Uniform Plumbing Code and this Chapter;
- (2) Fails to obtain a commercial waste disposal license as required by this Chapter;
- (3) Fails to install a commercial waste interceptor as required by this Chapter;
- (4) Fails to obtain a commercial waste discharge permit as required by this Chapter;
- (5) Makes any false statement, representation, record, report, plan or other document filed with the Director of Building and Safety or designee;
- (6) Tampers with or knowingly renders inoperable any grease control device or interceptor required under this Chapter;
- (7) Fails to fulfill maintenance, cleaning and record-keeping requirements as required by permit and this Chapter; or
- (8) Refuses City representatives reasonable access to a commercial facility for the purposes of inspecting or monitoring.

B. Any willful failure to comply with a provision of this Chapter shall constitute a violation, regardless of whether the failure to comply is caused by the permittee/licensee or an employee or agent of the permittee/licensee.

C. Where the failure to comply is continuing and intentional, each successive failure to comply shall be a separate and distinct violation.

#### SECTION 13.76.140 Penalties for Violation.

Any violation of this Chapter shall be subject to the penalties provided for in Chapter 1.20.010 of the Hawthorne Municipal Code.

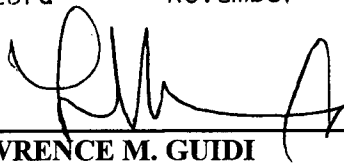
**SECTION 13.76.150 Fees**

Fees pertaining to this Chapter shall be established by Resolution of the City Council

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional.

SECTION 4: The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption.

**PASSED, APPROVED, AND ADOPTED ON THIS 23<sup>rd</sup> DAY OF November 2004.**

  
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**LAWRENCE M. GUIDI**  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
**DANIEL D. JUAREZ, M.M.C.**  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**GLEN E. SHISHIDO**  
City Attorney



STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES) §  
CITY OF HAWTHORNE     )

I, **Monica Dicrisci**, the duly appointed Deputy City Clerk of the City of Hawthorne, California, **DO HEREBY CERTIFY** that the foregoing Ordinance, being Ordinance No. 1800 was duly adopted by the City Council of the City of Hawthorne, at their adjourned regular meeting of the City Council held **November 23, 2004** and that it was adopted by the following vote, to wit:

AYES: Councilmembers Catano, Lambert, Parsons, Velez, Mayor Guidi.

NOES: None.

ABSTAIN: None.

ABSENT: None.

  
\_\_\_\_\_  
Deputy City Clerk

City of Hawthorne, California