

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 18th day of April, 2022, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 16th day of May, 2022 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

**Ordinance #23-9
An Ordinance To Amend Chapter 288 Sewers Article II Sewer Use and Connections**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood that Chapter 6 Boards, Committees and Commissions, be amended as follows (deleted sections are noted by strikethroughs, new sections are bold and underlined):

Section 1: Amend

§ 288-7 **Restrictions on use of sanitary and storm sewers.**

C. Interceptors/traps.

- (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the administrative authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for all residential uses. All interceptors or traps shall be of a type and capacity approved by the administrative authority and shall be located so as to be readily and easily accessible for cleaning and inspection.
 - (2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of a substantial construction and watertight and shall be equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All grease, oil and sand interceptors shall be maintained by the owners, at their expense, in continuously effective operation at all times.
- D. All food establishments, as defined herein, shall be required to install and maintain an approved grease interceptor on all dishwashing equipment and three-compartment sinks discharging into the Borough's sanitary sewer system. It shall be the responsibility of each owner to maintain the interceptor to avoid grease entering the sewer system. The administrative authority has the right to inspect said equipment to ensure proper maintenance. Failure to properly maintain said equipment shall be a violation of this article. Further, the clearance and cleaning of any blockages in the sanitary sewer mains attributable to a specific food establishment owner shall be paid by the owner. Such charges shall include, but not be limited to, the full cost for Borough labor, including fringe benefits, and equipment costs. Any property damage caused by sewer backups shall also be borne by the owner causing the blockages.

E. Food waste, including fat, oil and grease, cannot be discarded into a slop sink, floor drain, toilet,

or any other plumbing fixture not connected to a grease interceptor.

- F. Cleaning of grease interceptor shall be performed at a frequency necessary to ensure proper maintenance and function with complete removal of all contents, including floating materials, wastewater, bottom sludge and solids.**
- G. E. Any grease arising out of any cooking, grilling, frying or meat trimming shall be recycled using a qualified firm equipped to handle such materials. Disposal of waste material from the grease interceptor shall be discarded in accordance with all applicable federal, state, county and local laws, rules, code provisions and/or regulations. Contents of the grease interceptor shall be disposed by a private waste hauler firm hired by establishment, with written documentation of waste hauler name, address, phone number, dates waste removed and volume in gallons, type of grease (yellow or brown), and such records shall be maintained on premises for a period of not less than 24 months and made available to the Administrative Authority upon request. In no event shall the waste material removed from the grease interceptor be returned to any private or public portion of the Borough's sanitary sewer system.**
- H. A maintenance log shall be kept up-to-date and include the time, date and signature of person performing the maintenance/cleaning as described in Paragraph F above. Such log shall be maintained on premises for a period of not less than 24 months and made available to the Administrative Authority upon request.**

288-7.5 Inspections

- A. All food establishments must employ, at their own cost and expense, a licensed plumber to conduct an annual inspection of their grease interceptor and connecting wastewater lines to ensure that waste fat, oil and grease are being adequately removed from the wastewater before being discharged into the sanitary wastewater system, and that wastewater temperature does not exceed 140°F max. The licensed plumber shall provide a formal inspection report to the food establishment. The inspection report shall include, but not be limited to, the maintenance and efficiency of the grease interceptor, amount of oil and grease found in connecting wastewater lines, percentage of oil and grease being removed from wastewater being discharged into the sanitary wastewater system, and the temperature of the wastewater.**
- B. A formal inspection report by a licensed plumber is required for the issuance of an annual health license by the Health Department for all food establishments that produce, serve, handle and/or prepare oil, fat and/or grease in the course of business.**

§ 288-8 Damage to system; liability; recovery of costs.

- A. Destruction or tampering prohibited. No person shall break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of the Borough sewer system.**
- B. Liability. Any person who, by reason of a violation of the provisions of this article or any other improper use of the Borough sewer system or any of its branches, appurtenances or connections, shall cause damage to said Borough sewer system or to the system or facilities of the Authority to which the Borough sewer system is connected shall be liable to the Borough for all costs and expenses that may be incurred by the Borough for the correction of any such damage. The Borough shall have the right to**

recover such costs and expenses and the cost and expense of prosecuting its claim from any such person by the appropriate action at law in a court of competent jurisdiction. The right of the Borough to be reimbursed for any costs and expenses incurred shall be an additional remedy, and such person shall also be subject to the penalties contained in this article for violation of its provisions.

§ 288-9 Administration and enforcement; right of entry.

- A. Jurisdiction. The administrative authority shall have concurrent jurisdiction in the administration and enforcement of the provisions of this article.
- B. Right of entry for inspections. The administrative authority, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provision of this article.

§ 288-10 Violations and penalties.

~~Any person who shall violate or fail to comply with any of the provisions of this article or who shall participate or assist in such violation or failure to comply or who, as owner, tenant or other person in occupancy, architect, contractor or agent, servant or employee, shall permit the commission of such violation or maintain such violation or shall suffer such violation to continue shall, upon conviction, be subject to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days or 90 days of community service, or all of the above, in the discretion of the court before whom such conviction shall be had. Each day that such violation shall continue or is permitted or suffered to be continued or maintained shall constitute a separate offense.~~

A. When the discharge from a food establishment causes an obstruction, damage, or any other impairment to the treatment works, or causes any expense, fine, penalty, or damage of any nature whatsoever to the Borough, the Administrative Authority shall invoice the owner/User of same incurred by the Borough. If the invoice is not paid within seven (7) days of receipt, the Administrative Authority shall notify the Borough Attorney to take any and all actions as shall be appropriate to seek reimbursement.

B. An inspection fee shall be imposed for all inspections performed by an Administrative Authority as a result of a complaint and/or violation against a food establishment and/or manufacturer, distributor or processor, in the amount of \$100.00.

C. For each re-inspection carried out pursuant to an unresolved complaint and/or violation, a fee of \$100.00 shall be imposed.

D. Any person who violates any section of this Chapter is subject to the following fines:

i. First offense: up to \$250.00 per day until the violation is corrected, plus reimbursement of costs and damages;

ii. Second offense: up to \$500.00 per day until the violation is corrected, plus reimbursement of costs and damages; and

iii. Third or more offenses: \$1,000.00 per day until the violation is corrected, plus reimbursement of costs and damages. In addition, the Borough may terminate/close the User's ability/access to the Borough sanitary sewer system.

Section 2. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

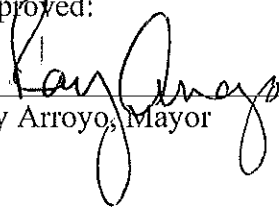
Section 4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: 5/14/23

Attest:

Approved:


Ray Arroyo, Mayor


Karen Hughes, Borough Clerk