

ORDINANCE O-2019 - 02

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF DURANGO REGARDING DEFINITIONS, DISCHARGE REGULATIONS AND REQUIREMENTS FOR FOOD SERVICE ESTABLISHMENTS TO IMPLEMENT A FATS, OILS AND GREASE INSPECTION PROGRAM AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the introduction of fats, oils and grease (FOG) into the City's sanitary sewer system by Food Service Establishments has been identified as the primary cause of sewer blockages and sewer overflows; and

WHEREAS, a 2013 Compliance Order from the Colorado Department of Public Health and Environment (CDPHE) found that the introduction of FOG into the sewer system was a major cause of sewer system overflows and prescribed that the City develop a preventative maintenance program to avoid sewer overflows, including the avoidance of FOG in the system; and

WHEREAS, an extensive effort has been undertaken to develop a phased approach to implement a FOG program to apply to all Food Service Establishments in the City; and

WHEREAS, the FOG program described herein provides for the installation, maintenance and inspection of approved interceptors; and

WHEREAS, the FOG program provides for a cooperative effort with Food Service Establishments which will include an outreach and education process; and

WHEREAS, the FOG program will further regulate commercial grease hauling operations to assure that FOG removed from Food Service Establishments is disposed of properly and legally; and

WHEREAS, the City Council conducted study sessions and received public testimony at a public hearing on this issue. Following that hearing, the Council finds that the implementation of a FOG control program is in the best interests of the health, safety and welfare of the citizens of the City and that such efforts will help avoid damage to the City's sewer collection and treatment infrastructure.

NOW THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Section 25-2 of Chapter 25 of the Code of Ordinances of the City of Durango shall be amended by the addition of the following:

- b) All FSE's shall install and maintain an appropriately sized GCD for the flow and makeup of effluent from that FSE.
1. All new FSE's shall be required to install, operate, and maintain a GCD in compliance with this section.
 2. All existing FSE's in operation as of the effective date of this ordinance may continue to operate and maintain their existing GCD provided that such devices are inspected by the City and found to be in proper operating condition. If it is determined by the Director that a GCD in an existing FSE is not in proper operating order or condition, or is not appropriately sized for the FSE, then the existing FSE shall be required to improve or install a new GCD that meets the requirements of this section within one year of the effective date of this Ordinance. All existing FSE's that do not have a GCD shall install such a device in compliance of the requirements of this section within one year of the effective date of this ordinance.
- c) All GCD's shall be properly maintained by the owner or operator of the FSE at all times. Maintenance shall include the complete removal of all contents of the GCD as required by this Division. Decanting or discharging of removed waste back into the GCD or into a private sewer line or into any portion of the city's wastewater collection system is prohibited. In no event shall the content of the food solids and FOG exceed twenty-five (25%) percent of the overall hydraulic depth of the GCD.
- d) The Director or their designee shall have the authority to make such inspections as are deemed necessary during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the GCD (s) installed in a FSE. Upon request, the owner or operator of a FSE must show evidence of an active contract with an approved Waste Grease Transporter to service all GCD's on the premises and haul the waste to an approved disposal location. Alternatively, the owner or operator of a FSE must provide evidence of regular maintenance and approved waste disposal by such owner or operator. In either case, copies of a GCD maintenance and uniform waste grease manifests as required by the Colorado Department of Public Health and Environment shall be completed. Manifests as well as contracts and maintenance receipts for at least two (2) years shall be maintained and made readily available for inspection on the premises of the FSE upon request.
- e) If a violation is identified at any time, the Director or their designee shall document such violation and provide the owner or operator of the FSE notification, in writing of such violation along with clear directive of the action required to correct the violation and a deadline to correct or otherwise resolve the violation. Enforcement shall follow in a progressive manner for continued or repeat violations ranging from notice of violation, issuance of citations and business license revocation.
- f) The Director or their designee shall have the authority to adopt rules and regulations regarding best management practices and requirements for the installation, maintenance, operation and inspections of GCD's, including inspection fees.

Section 5. That Section 25-96 of Chapter 25 of the Code of Ordinances of the City of Durango is amended to read in its entirety as follows:

CITY COUNCIL OF THE CITY OF DURANGO

Attest:



City Clerk



Auntie Marburn

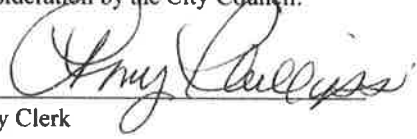


STATE OF COLORADO

) ss.

COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2019- 02 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 2nd day of January, 2019, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 5th day of January 2019, prior to its final consideration by the City Council.



City Clerk

I further certify that Ordinance No. O-2019- 02, was duly adopted by the Durango City Council on the 15th day of January, 2019, and that in accordance with instructions received from the Durango City Council, said amended ordinance was published by title only in the Durango Herald on the 19th day of January, 2019.



City Clerk