



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **ORDINANCE 0-17-18**

### **AN ORDINANCE AMENDING CHAPTER 16-3 OF THE BOROUGH CODE CONCERNING THE REGULATION OF RETAIL FOOD ESTABLISHMENTS**

**WHEREAS**, Borough Code Chapter 16, Section 3 regulates retail food establishments, providing for the inspections of such establishments and fixing penalties for violations therein; and

**WHEREAS**, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to amend and update the aforesaid Code provision with respect to the regulations pertaining to inspections of retail food establishments and the enforcement therein, more specifically as it pertains to grease traps.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Highlands as follows:

#### **SECTION I.**

The following Sections of Chapter 16, Section 3 entitled "Retail Food Handling Establishment Code" of the Borough Code shall be amended to provide as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***~~strikeovers in bold italics~~***. Sections of Chapter 16, Section 3 that will remain unchanged are shown in normal type.)

#### **16-3 RETAIL FOOD HANDLING ESTABLISHMENT CODE.**

##### **16-3.1 Code Established.**

A code regulating retail food handling establishments, providing for the inspection of such establishments and fixing penalties for violations as hereby established pursuant to R.S. 26:3-69.1 to 69.6. A copy of the code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

##### **16-3.2 Title of Code.**

The code established and adopted by this section is described and commonly known as the "Retail Food Handling Establishment Code of New Jersey, 1965", and any amendments thereto.

### **16-3.3 Public Record.**

Three copies of the Retail Food Handling Establishment Code of New Jersey, 1965, have been placed on file in the borough clerk's office for the use and examination of the public.

### **16-3.4 Permit and License.**

a. *Required; Posting of License.* No person shall operate a retail food handling establishment unless a certificate or approval of an existing certificate, permit or license to operate same is issued. Such certificate or approval of an existing certificate, permit or license shall be posted in a conspicuous place in such establishment.

b. *Fee.* There shall be a charge of five (\$5.00) dollars for such certificate or approval of an existing certificate, permit or license.

c. *Expiration.* Certificates issued or approved under the provisions of this chapter shall expire annually on December 31 and application for renewal thereof shall be submitted together with the required fee prior to January 1 of each year.

d. *Itinerant License.* A person conducting an itinerant retail food handling establishment shall secure a certificate or if such person is the holder of a certificate, permit or license issued by the board of health or governing body of another jurisdiction, the certificate, permit or license may be approved by the council and there shall be a fee of five (\$5.00) dollars charged for approval.

e. *Suspension and Revocation.* A certificate or approval of certificate, permit or license, may be suspended or revoked for violation by the holder of any provision of this chapter or code after an opportunity for a hearing by the council or its authorized representative.

f. *Transferability.* A certificate or approval of a certificate, permit or license issued by another board of health or borough council is not transferable.

### **16-3.5 Grease Trap.**

a. *Purpose.* The purpose of this subsection is to control discharges into the public sewerage collection system and wastewater treatment plan that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

b. *Definitions.*

*Food service facilities* shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also

included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, nondrinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the plumbing subcode official who discharge applicable waste. Exempted herefrom are self-contained single-family living units.

*Grease* shall mean material composed primarily of fats, oil and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as grease by definition. Grease does not include petroleum based products.

*Grease trap* shall mean a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

*Oil/water separator* shall mean an approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the plumbing subcode official.

*User* shall mean any person or establishment including those located outside the jurisdictional limits of the borough who contributes, causes, or permits the contribution or discharge of wastewater into the borough's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

c. *Control Plan for (FOG) and Food Waste.*

1. Any new construction, renovation, or expansion of food service facilities shall be required to submit to the borough a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

2. Any existing food service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this subsection. There will be no "Grandfathering."

d. *General Criteria.*

1. *Installation Requirements.* All existing, proposed, or newly remodeled food service facilities inside the Borough of Highlands wastewater service area shall be

required to install, at the user's expense, an approved, properly operated and maintained grease trap.

2. Sanitary Sewer Flows. Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

3. Floor Drains. Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

4. Garbage Grinders/Disposers. It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

5. Dishwashers. Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

6. Location. Grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the plumbing subcode official.

7. Pass Through Limits. No user shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 1664A.

e. *Design Criteria.*

1. Construction. Grease traps shall be constructed in accordance with the Borough of Highlands standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the plumbing subcode official. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

2. Access. Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with cast iron frame and cover.

3. Load-Bearing Capacity. In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: vehicular traffic in driving or parking areas.)

4. Inlet and Outlet Piping. Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

5. Grease Trap Sizing. All grease traps shall have a capacity of not less than 1,000 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity exceeds 3,000 gallons, multiple units plumbed in series shall be installed.

f. *Grease Trap Maintenance.*

1. Cleaning/Pumping. The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

2. Cleaning/Pumping Frequency. The grease trap must be pumped out completely a minimum of once every four months, or more frequently, as determined by the plumbing subcode official, as needed to prevent carry over of grease into the sanitary sewer system.

3. Disposal. All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the borough's sanitary sewer collection system. All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

4. Maintenance Log. A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each food service facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the plumbing subcode official or his representative upon request.

5. Submittal of Records. Each user shall submit all cleaning and maintenance records to the plumbing subcode official. The maintenance records shall include the following information:

- (a) Facility name, address, contact person, and telephone number.
- (b) Company name, address, telephone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (c) Types of maintenance performed.

- (d) Dates maintenance was performed.
- (e) Date of next schedule maintenance.
- (f) Copies of manifests.

The user shall be required to submit maintenance records to the plumbing subcode official **and to the department of public works** on a biannual basis (twice per year). Records shall be submitted by March 1 and September 1 of each year. The records shall be submitted to:

Plumbing Subcode Official  
Borough of Highlands  
**474 19** Bay Avenue  
Highlands, NJ 07732

**and**

**Department of Public Works**  
**Borough of Highlands**  
**42 Shore Drive**  
**Highlands, NJ 07732**

The plumbing subcode official, **construction official or their designees within the Department of Buildings and Housing, and/or the department of public works,** will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the plumbing subcode official, **construction official or their designees within the Department of Buildings and Housing, or the department of public works,** the user shall be required to perform the maintenance and **provide** records of said maintenance within 14 calendar days. Upon inspection by the plumbing subcode official, **construction official or their designees within the Department of Buildings and Housing** the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

g. *Additives.* Any biological additive(s) placed into the grease trap or building discharge line including, but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the plumbing subcode official, **construction official or their designees within the Department of Buildings and Housing** prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

h. *Chemical Treatment.* Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

i. *Enforcement and Fines.*

1. Recovery of Damages. When the discharge from a food service facility causes an obstruction, damage, or any other impairment to the treatment works, or causes any expense, fine, penalty, or damage of whatever character or nature to the borough, the plumbing subcode official, **construction official or their designees within the Department of Buildings and Housing** shall invoice the owner for same incurred by the borough. If the invoice is not paid, the plumbing subcode official, **construction official or their designees within the Department of Buildings and Housing** shall notify the borough attorney to take such actions as shall be appropriate to seek reimbursement.

**2. Tampering. No food service facility may disconnect, reroute, or otherwise alter any connection to the grease trap without the written approval of the plumbing subcode official, construction official or their designees within the Department of Buildings and Housing.**

**2.3.** Penalty. A violation of this subsection is subject to the penalty provisions of Section 3-9 of the General Ordinances of the Borough of Highlands.

**3.4.** Remedies Nonexclusive. The remedies provided for in this subsection are not mutually exclusive. The plumbing subcode official, **construction official or their designees within the Department of Buildings and Housing, and code enforcement official** may take any, all, or any combination of these actions against a noncompliant person.

**j. Interfering with Inspection. No food service facility may unreasonably interfere with the inspection of its grease trap or maintenance logs. Anyone who unreasonably interferes with the inspection of a grease trap or its maintenance logs shall be subject to a fine of not more than \$250.00.**

**SECTION II. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**SECTION III. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION IV. EFFECTIVE DATE.** This Ordinance shall take effect after final passage as provided by law.

**Introduction: Ordinance O-17-20****October 4<sup>th</sup> 2017**

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD			X			
D'ARRIGO			X			
KANE-WELLS			X			
O'NEIL	X		X			

I, Bonnie Brookes, Deputy Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held October 4, 2017. WITNESS my hand this 4th day of October 2017.



Bonnie Brookes, RMC  
Deputy Municipal Clerk

Publication: Asbury Park Press, October 10<sup>th</sup> 2017

**Adoption: Ordinance O-17-20****October 18<sup>th</sup> 2017**

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD						X
D'ARRIGO						X
KANE-WELLS			X			
O'NEIL		X	X			

I, Bonnie Brookes, Deputy Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held October 18, 2017. WITNESS my hand this 18th day of October 2017.



Bonnie Brookes, RMC  
Deputy Municipal Clerk

Publication: Two River Times, October 26<sup>th</sup> 2017