

AN ORDINANCE REGULATING THE INSTALLATION OF GREASE INTERCEPTORS, THE CLEANING OF GREASE INTERCEPTORS, AND THE TRANSPORTATION AND DISPOSAL OF GREASE INTERCEPTOR WASTE IN THE CITY OF GLUCKSTADT, MADISON COUNTY, MISSISSIPPI

WHEREAS, it is the desire of the City of Gluckstadt, Madison County, Mississippi, to prevent commercial food cooking and serving operations from allowing grease waste to be deposited into the municipal sanitary sewer system, because of the potential for health hazards and the additional cost of cleaning and removal both to the City and its citizens, and

WHEREAS, the adoption of this Ordinance will facilitate proper inspection activities and regulate installation, cleaning, and waste transportation of grease interceptors in the City of Gluckstadt, Madison County, Mississippi, and benefit the public health, safety, and general welfare of the City and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY the Mayor and Board of Aldermen of the City of Gluckstadt, Madison County, Mississippi, that the following ordinance be adopted:

Section 1: Definitions

Building Official shall mean the Building Official or a duly appointed representative.

Clean shall mean to remove the contents of the entire grease interceptor, scrape the walls, wash down the walls with high pressure water, and pump out the contents a second time.

Commercial Food Preparation shall mean, other than residential one- and two-family dwellings, townhouses, or multi-family occupancies, any operation engaged in preparing, cooking, or serving food or drinks which generates grease waste.

Disposer shall mean an enterprise that accepts grease waste for final disposal.

City shall mean the City of Gluckstadt, Mississippi.

Generator shall mean any operation engaged in commercial food preparation.

Grease Interceptor shall mean any device or fixture that is designed and installed to separate grease waste from a sanitary sewer discharge and hold said grease waste until it can be collected by a Grease Waste Hauler.

Grease Waste shall mean any waste which consists of free-floating fats, oils, or grease which, without a grease interceptor, would be deposited into the City sewer system.

Grease Waste Hauler shall mean any person registered with the City of Gluckstadt to collect,

transport and dispose of grease waste from generators in the City.

Grease Waste Manifest shall mean a document that shows a Grease Interceptor was cleaned. It shall contain the name of the Grease Waste Hauler, date and time of cleaning, name and location of the Disposer.

Person shall mean property owner, individual, heir, executor, administrator or assign, firm, partnership, or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

Section 2: General Provisions

A. All commercial food preparation establishments in the City of Gluckstadt, Mississippi shall have, operate, and maintain a grease interceptor pursuant to the following:

- i. All new and existing generators within the City of Gluckstadt, Mississippi opened after the effective date of the original Ordinance (,) shall be required to install and maintain a grease interceptor pursuant to the International Plumbing Code, as amended and adopted by the City of Gluckstadt, before operations commence.
- ii. All generators shall clean their grease interceptor at an interval necessary to prevent grease waste from entering the City of Gluckstadt sanitary sewer system. Under no circumstances shall this interval exceed every ninety (90) days.
- iii. Cleaning of grease interceptors shall be performed by a Grease Waste Hauler registered with the City of Gluckstadt.
- iv. After each cleaning, the Generator shall submit to the Building Official a copy of the Grease Waste Manifest, as given to them by the Grease Waste Hauler.
And
further, an additional copy shall be retained at the Generator property, readily available, for inspection by the Building Official.
- v. The Building Official of the City of Gluckstadt, Mississippi is hereby authorized to promulgate such rules, regulations, procedures, standards or criteria as are necessary to effectuate the intent of this Ordinance.

Section 3: Notices and Orders

A. **Notice to person responsible.** Whenever the Building Official, or his designee, determines that there has been a violation of this Ordinance, the Building Official, or his designee, shall contact the owner or property manager and explain the violation and acceptable remedies. If, after fourteen (14) days the violation is not corrected, the Building Official shall inform the property owner of the violation in the manner

prescribed in Section 4(B) and 4(C) of this Ordinance.

B. **Form.** Such notice prescribed in Section 4(A) of this Ordinance shall be in accordance with all of the following:

- i. Be in writing.
- ii. Include a description of the real estate sufficient for identification.
- iii. Include a statement of the violation or violations and why the notice is being issued.
- iv. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure or system into compliance with the provisions of this Ordinance. For the purpose of this Ordinance, the term “a reasonable time to make the repairs and improvements” shall mean the following:
 - a. If the violation is not properly cleaning the grease interceptor, the person shall have four (4) days to have it properly cleaned; or
 - b. A reasonable amount of time to correct all other violations of this Ordinance as determined by the Building Official, or his designee.
- v. Inform the property owner of the right to appeal.

C. **Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

- i. Delivered personally; or
- ii. Sent by first-class mail or certified mail, or other similar means, addressed to the last known address of the person responsible for the violation; or
- iii. Sent by email or text message, provided that communication and receipt of notice can be confirmed; or
- iv. Posted in a conspicuous place in or about the structure affected by such notice.

D. **Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 5(D) of this Ordinance.

E. **Transfer of ownership.** It shall be unlawful for the owner of any building or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Official, or his designee, and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Section 4: Violations

- A. **Unlawful acts.** It shall be unlawful for a person to be in conflict with or in violation of any of the provisions of this Ordinance.
- B. **Notice of Violation.** The Building Official, or his designee, shall serve a notice of violation or order in accordance with Section 4 of this Ordinance.
- C. **Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 4 of this Ordinance shall be deemed guilty of a misdemeanor or civil infraction as determined by the City of Gluckstadt, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto.
- D. **Violation penalties.** Any person failing to comply with this Ordinance or any of the requirements thereof or otherwise violating this Ordinance or any of its provisions shall, after notice and a reasonable time to correct said violations, be subject to the following penalties:
- i. The Building Official shall cause for the water service to be disconnected from the building or structure, and the Generator shall be responsible for any and all re-connection fees and procedures; or
 - ii. In such cases that The City of Gluckstadt determines that disconnecting the water service to a certain building or structure will cause a public hazard, the water service shall not be disconnected for a grease waste violation alone. In such instance, the person failing to comply with a notice of violation or order, served in accordance with Section 4 of this Ordinance, shall pay a fine not exceeding One Thousand Dollars (\$1,000) or imprisonment not exceeding 90 Days, or both, and each day thereafter that said Violation(s) remain uncorrected shall constitute a separate offense punishable by a separate fine not exceeding One Thousand Dollars (\$1,000) or imprisonment not exceeding 90 Days, or both, pursuant to Sections 21-13-1 and 21-17-5, Mississippi Code of 1972, or other applicable statutes. For the purposes of this Ordinance, the term “a reasonable time to correct” shall be the same as included in the correction order required under Section 4(B)(iv) of this Ordinance. The City of Gluckstadt shall impose for said violation(s) all other penalties and have access to any other remedies available under the law to correct the conditions giving rise to the violation(s) of this Ordinance.

Section 5: Means of Appeal

- A. **Application for appeal.** Any person directly affected by a decision of the Building Official, or designee, or a notice or order issued under this Ordinance shall have the right to appeal to the Mayor and Board of Aldermen (“Board”), provided that a written application for appeal is filed within ten (10) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this Ordinance, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this Ordinance do not fully apply, or the requirements of this Ordinance are adequately satisfied by other means.
- B. **Open hearing.** All hearings before the Board shall be open to the public. The appellant, the appellant’s representative, the Building Official or designee, and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than a simple majority of the Board membership.
- i. **Procedure.** The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- C. **Postponed hearing.** When quorum is not present, the Hearing shall be automatically scheduled for the next regularly scheduled Board Meeting.
- D. **Board decision.** The Board shall modify or reverse the decision of the Building Official only by a concurring vote of a majority of the total number of Board members present.
- i. **Records and copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Building Official.
- ii. **Administration.** The Building Official shall take immediate action in accordance with the decision of the Board.
- E. **Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.
- F. **Stays of enforcement.** Appeals of notice and orders shall stay the enforcement of the notice and order until the appeal is heard by the Board.

Section 6: Omission and Interchangeability

- A. **Omissions.** The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted.

Should the occasion arise as to such intent or meaning, the interpretation of the Building Official, or his designee, shall apply as provided in the provisions of this Ordinance.

- B. **Interchangeability.** Words within and associated with this Ordinance used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular; the word “building” includes the word “structure”; the word “shall” is mandatory; the word “may” is permissive.

Section 7: Severability

- A. **Severability.** It is hereby declared to be the intention that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such ruling shall not affect the validity of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 8: Conflicts

- A. **Federal and State agencies.** The provisions of this Ordinance shall not be held to deprive any Federal or State agency of any power or authority which it had on the effective date of the adoption of this Ordinance or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

Section 9: Effective Date of Ordinance

This ordinance shall take effect and be in force one (1) month from and after its passage.

Section 10: Adoption

ORDAINED, ADOPTED, AND APPROVED by the Mayor and Board of aldermen of the City of Gluckstadt, Madison County, Mississippi at a regular meeting thereof held on the 9th day of August 2023.

A MOTION to adopt the foregoing Ordinance was made by Taylor and SECONDED by Slay and the foregoing having been first reduced to writing, was submitted to the Board of Aldermen for passage or rejection on roll call vote with the following results:

Alderman Maya Warfield	voted: <u>Aye</u>
Alderman Jayce Powell	voted: <u>Aye</u>
Alderman Wesley Slay	voted: <u>Aye</u>
Alderman John Taylor	voted: <u>Aye</u>
Alderman Lisa Williams	voted: <u>Aye</u>

CITY OF GLUCKSTADT, MISSISSIPPI

BY: Walter Morrison
WALTER MORRISON, MAYOR

ATTEST:

Lindsay Kellum
LINDSAY KELLUM, CITY CLERK

