

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2019-5

**AN ORDINANCE TO AMEND CHAPTER 380: "SEWERS" OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY
BEACH CODE**

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, Monmouth County, State of New Jersey that Chapter 380 entitled "Sewers" shall be amended and supplemented to read as follows:

§ 380-3 Grease Discharge Abatement.

A. Scope and Purpose. The scope and purpose of this subsection is to aid in the prevention of sanitary sewer blockages and obstructions due to contributions and accumulation of fats, oils, and greases into the sanitary sewer system of the Borough of Bradley Beach from nonresidential food preparation and service facilities.

B. Definitions. As used in this subsection:

Eating and drinking food establishment shall mean any nonresidential facility connected to the Borough sanitary sewer system primarily or regularly engaged in the activity of preparing, serving or otherwise making available for consumption foodstuffs, including ice cream, or one that uses 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, non-drinkable food product in or on a receptacle that requires washing.

Grease shall mean an organic foodstuff component and/or byproduct from the preparation thereof, which is viscous at room temperature and non-water soluble, and commonly referred to as fat, oil or grease.

Grease trap shall mean a device for intercepting, separating and retaining waterborne grease prior to the wastewater exiting the device and entering the sanitary sewer system.

Sanitary sewer system shall mean and refer to the sanitary system of the Borough of Bradley Beach.

Seasonal eating and drinking food establishment shall mean any eating and drinking food establishment that operates six (6) months or less in any calendar year.

C. Restrictions and Regulations for Grease Traps.

1. Installation. All eating and drinking food establishments shall install a grease interceptor capable of preventing discernable accumulations of grease in the sanitary sewer system of the Borough and/or connecting wastewater lines from said establishment. The specifications, installation and repair of all grease interceptors shall be approved by the Plumbing Subcode Official of the Borough.
2. Responsibility. Owners of commercial property will be held responsible for wastewater discharges on their properties and will be responsible for any penalties for any discharge of grease into the sanitary sewer system in violation of the Borough's Revised General Ordinances.
3. Maintenance/Records. Eating and drinking food establishments shall establish a grease interceptor maintenance schedule based upon the size and nature of the individual operation. That schedule shall be of sufficient frequency to prevent the interceptor from becoming overloaded with grease and solids and shall prevent the discharge of grease and solids into the downstream piping and sanitary sewer system. In any event, an eating and drinking food establishment shall clean its grease interceptor(s) and properly dispose of any grease removed therefrom at least once every three (3) calendar months. Eating and drinking food establishments shall maintain records of said actions for a period of at least three (3) years for the purpose of inspection thereof by the Borough. These records shall be subject to inspection by the Borough Code Enforcement Officer and/or the Borough Public Works Department. Seasonal eating and drinking food establishments shall be subject to all of the requirements of an eating and drinking food establishment except that the seasonal eating and drinking food establishment shall clean its grease interceptor(s) and properly dispose of any grease two (2) times during the seasonal operation.
4. Annual Inspection/Report. On or before April 1st of each calendar year, an eating and drinking food establishment shall provide to the Borough Plumbing Subcode Official an annual inspection report of its grease interceptor(s) and connecting wastewater lines to ensure that grease is being adequately removed from the wastewater being discharged into the sewer system. The inspection shall be performed by a licensed plumber or cleaning service that specializes in grease interceptor cleaning, and a report provided to both the eating and drinking food establishment and to the Borough Plumbing Subcode Official within three (3) weeks of said inspection. This inspection report shall contain observations with regard to the efficiency of the grease interceptor, the amount of grease found in the connecting wastewater lines, the percentage of grease being removed from wastewater that is discharged into the sanitary sewer system and the maintenance and efficiency of the grease interceptor (with particular attention given to whether the grease interceptor needs replacement or increased capacity).
5. Prohibited. The use of enzymes, emulsifiers, or similar chemicals in grease interceptors shall be prohibited.

D. Specifications. Grease Interceptors shall meet the specifications of Chapter 6 of the current National Standard Plumbing Code/N.J.A.C. 5:23-3.15.

E. Inspections.

- 1. Generally. In consideration for continued use of its sanitary sewer system, the Borough of Bradley Beach shall reserve the right to periodically conduct routine inspections of the grease interceptor(s) of any eating and drinking food establishment during regular business hours. During such inspections, the Borough shall have the right to inspect (i) any food preparation areas (ii) any records maintained pursuant to this section (iii) all grease interceptors which shall be opened upon request, and (iv) all wastewater lines from the establishment to the sanitary sewer system, which may be accomplished by use of a line camera.**
- 2. Fee for New Grease Interceptor Installations. All establishments installing a new grease interceptor shall be required to obtain a plumbing permit and pay an inspection fee of \$60.00, pursuant to § 160-3(B)(5)(f).**
- 3. Blockage. Whenever the Borough of Bradley Beach discovers a blockage of the sanitary sewer system caused by grease, the Borough shall have the right to conduct an inspection of any eating and drinking food establishment connected to the main in which said blockage is found, without regard to any prior or recent inspection(s) thereof.**
- 4. Violation Discovered. If during an inspection, the Borough discovers a violation of this subsection, the Borough shall notify the owner and/or operator of the eating and drinking food establishment of the nature of said violation as soon as reasonably possible and, in its discretion, issue a notice to the owner and/or operator for the correction of said violation with seven (7) calendar days thereof. If said violation is not corrected within such time the Borough shall issue a summons in accordance with said penalty provision. The owner and/or operator of the eating and drinking food establishment shall be subject to additional fees for any Borough labor associated with correcting a blockage.**

F. Penalties.

- 1. Fine for Noncompliance. Any retail food establishment that violates any of the provisions of this subsection is subject to penalties as established by § 380-7.**
- 2. Posting of Bond. For any retail food establishment that has plead guilty or been found guilty of a violation of this subsection, the Borough may require the posting of a bond by the retail food establishment as a guarantee against future violations of this section. The amount of the bond shall be calculated based on the anticipated cost of correcting a sanitary sewer blockage/obstruction due to a build up of fats, oils and grease. Any bond posted pursuant to this subsection shall remain in effect for two (2) years. Upon the lapse of two (2) years with no violations of this subsection, the retail food establishment shall be entitled to a refund of the bond unless the Borough has instituted proceedings for the forfeiture of the bond. Forfeiture of the bond shall occur if the retail food establishment is found guilty of a violation of this subsection and the retail food**

establishment has not paid any and all fees for Borough labor associated with correcting the blockage.

G.Enforcement.

- 1.Generally. Except as where otherwise provided, the Code Enforcement Officer of the Borough, his/her designated representative(s), including the Borough of Bradley Beach Department of Public Works shall have the authority to enforce the terms of this subsection and to perform all duties described herein on behalf of the Borough of Bradley Beach.**
- 2. Related Authorities. Nothing contained herein shall limit the authority of the Superintendent of the Public Works Department, the Code Enforcement Officer and others so designated to enter the premises of any eating and drinking food establishment at all reasonable hours for the purposes of inspecting any water or sewer connection or service equipment, nor limit the authority of the Borough to assess penalties for any discharge of grease into the sanitary sewer system in violation of the Borough's Revised General Ordinances.**

§ 380-~~3~~4 Garbage disposal systems. [Amended 11-19-1981]

It shall be unlawful to install or use any device for the disposal of garbage through the sewer, drain, waste, soil or other pipes in or on any premises or to dispose of garbage in any way other than that permitted by Borough ordinances.

§ 380-~~4~~5 Toxic discharges. [Amended 11-19-1981]

The discharge of any toxic pollutants which causes an increase in the cost of managing the effluent or the sludge shall subject the user responsible for such discharge to liability for all such cost increases.

§ 380-~~5~~6 Demolition of property.

Any sewer shall be capped before there is any demolition of property.

§ 380-~~6~~7 Violations and penalties. [Amended 3-11-1975]

The penalty for violation of any provision of this chapter where no other penalty of fine or imprisonment is provided shall be as provided in Chapter 1, Article II, General Penalty, of this Borough Code. This penalty shall be in addition to any different type of penalty or sanction provided in this chapter.

§ 380-~~7~~8 Sewer Utility established. [Amended 3-28-1978; Ord. No. 1993-13]

A Sewer Utility is hereby established in and for the Borough of Bradley Beach.

§ 380-8-9 Annual rental charge. [Amended 12-13-1977; 3-28-1978; 2-26-1980; 7-8-1980; 4-12-1983; 4-8-1986; 5-27-1986; 12-31-1987; Ord. No. 1993-13; Ord. No. 1997-07; Ord. No. 1997-12; Ord. No. 1998-08; Ord. No. 1999-09A; Ord. No. 2002-11; Ord. No. 2003-05; 4-28-2009 by Ord. No. 2009-6; 4-24-2012 by Ord. No. 2012-6]

There is hereby imposed an annual sewer rental charge for the use, operation, maintenance and construction of the sewers and sewerage system and disposal facilities in the Borough, upon the owners of the property served thereby at the rates hereinafter set forth:

- A. Single-family private dwelling, with no rental rooms or apartments: \$562.50.
- B. Single-family private dwelling and garage apartment, with no rental rooms or apartments: \$1,125.
- C. Single-family private dwelling with seven or more bedrooms, with no rental rooms or apartments: \$1,125.
- D. Two-family private dwelling, with no rental rooms or apartments: \$1,125.
- E. Two-family private dwelling and garage apartment, with no rental rooms or apartments: \$1,687.50.
- F. Multifamily (more than two) dwelling, with no rental rooms or apartments, each apartment: \$562.50.
- G. Structure with apartments, each apartment: \$562.50.
- H. Hotel or motel: \$562.50.
 - (1) Each rental room: \$187.50.
- I. Rooming house: \$562.50.
 - (1) Each rental room: \$156.25.
- J. Barber or beauty shop: \$562.50.
 - (1) Each chair: \$187.50.
- K. Each commercial business:
 - (1) One toilet: \$562.50.
 - (2) Each additional four toilets or fraction thereof per business: \$562.50.
- L. Car wash: \$5,625.
- M. Service station or garage: \$937.50.
- N. Bar: \$3,125.
- O. Restaurant:

- (1) Up to and including 25 seats: \$1,125.
- (2) Each additional 25 seats or fraction thereof: \$562.50.

P. Laundromat, each washing machine: \$562.50.

§ 380-9-10 Rental charge in other cases. [Amended 12-13-1977; Ord. No. 1993-13]

The sewer rental in all cases not covered by § 380-89, and where the use of property is other than as permitted by the Zoning Ordinance of the Borough,[1] or where a special use permit is required, or for any industrial use which produces a waste material to be discharged into the sewer system, shall be established by the Mayor and Council of the Borough by separate contract in such amount as would be proportionate to its use of the sanitary sewer system.

§ 380-10-11 Payment of sewer rental; delinquent charges to become lien. [Amended 12-13-1977; 11-28-1978; 7-10-1984; 9-26-1985; Ord. No. 1993-13]

- A. Sewer rental shall be payable to the Borough of Bradley Beach, quarterly, in advance, on or before February 1, May 1, August 1, and November 1 of each year and every year thereafter.
- B. If the sewer rental imposed hereby is not paid within 10 days from the date due, it shall become delinquent and shall bear interest thereon at the same rate charged against delinquent taxes in the Borough and shall become a lien on the property and shall be collectible as in the case of other municipal taxes, charges or liens.
- C. Notification of charges. At least annually, each user shall be notified at the time of the regular billing of the rate being charged and the portion of user charges attributable to wastewater treatment services.
- D. User charge system. The sewer users charge provides for the payment to the sewer authority of all of the expenses of the operation and maintenance of the Borough utility.

§ 380-11-12 Duties of Sewer Utility Collector. [Amended 12-13-1977]

The Sewer Utility Collector, or such other person duly appointed by resolution of the Borough Council of the Borough, shall:

- A. Have charge of all the books and records of the collection of sewer charges.
- B. Bill and make collections of all sewer charges.

§380-12-13 Prorated charges. [Amended 12-13-1977]

Whenever sewer service to any property begins after the first day or terminates before the last day of any quarterly period, the charge shall be for that portion of the period during which the property is served.

§ 380-~~13~~-14 Charges reviewed biannually. [Amended 7-19-1979]

The user charges set by this chapter shall be reviewed biannually and revised periodically to reflect actual costs of treatment works operation.

§ 380-~~14~~-15 Federal regulations to prevail. [Amended 7-19-1979]

The terms and conditions of any agreement, or contract, between the Borough and a sewer user, in regard to reservation of capacity or charges to be collected, that are inconsistent with federal regulations shall be disregarded.

§ 380-~~15~~-16 Costs distributed. [Amended 7-19-1979]

The costs of operation and maintenance for flows not directly attributable to users (i.e., infiltration and/or inflow), if any, shall be distributed among the various classes of users and shall be included in the charges set by this chapter.

§ 380-~~16~~-17 Deputy Sewer Utility Collector/Secretary. [Amended 10-23-1984]

There shall be a position of Deputy Sewer Utility Collector/Secretary, whose duties shall be the same duties as the Sewer Utility Collector and who shall act in the absence of the Sewer Utility Collector. The appointment to said position shall be for a term of one year.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO ORDAINED as aforesaid.

KELLY BARRETT
Municipal Clerk

GARY ENGELSTAD
Mayor

Introduced:

Date of Hearing and Adoption: