

ORDINANCE NO. 2009-43

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER XX, "WATER AND SEWER"
SECTION 20-4.10, "PROHIBITED DISCHARGE INTO SEWER SYSTEM" AND
SECTION 20-5, "PENALTIES"**

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter XX of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Water and Sewer" is hereby amended and supplemented as follows:

SECTION ONE: Section 20-4.10, "Prohibited Discharge Into Sewer System" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

20-4.10 Prohibited Discharge into Sewer System. No person, firm or corporation shall discharge any waste or effluent into the sanitary sewerage system of the Borough containing any or consisting of the following substances, such discharge being and the same is hereby prohibited:

- a. Gasoline, naphtha, petroleum, products of any substances which may create an explosion hazard in the system.
- b. Oils, fats, or grease except as may result from household use. The owners of any installation, except private dwellings, from which oils, fat or grease are liable to be discharged into the sanitary sewers, shall at their own expense, install and properly maintain a grease trap of a type approved by the Borough Engineer or Plumbing Inspector for the Borough of Red Bank. Specifications for grease traps set forth in the National Standard Plumbing Code of 1996, as adopted and amended by the New Jersey Uniform Construction Code shall generally apply to all grease traps installed and maintained.
 1. Maintenance and Records. Commercial food establishments shall establish a grease trap maintenance schedule based upon the size and nature of the individual operation. That schedule shall be of sufficient frequency to prevent the trap from becoming overloaded with grease and solids and shall prevent the discharge of grease and solids into the downstream piping and municipal sewer system. Such food establishments shall clean their grease trap(s) and properly dispose of any grease removed therefrom at least once every three (3) calendar months. Commercial food establishments shall maintain records of said actions for a period of at least three (3) years for the purpose of inspection by the Borough.
 2. Annual Inspection and Report. On or before April 1st of each calendar year, a commercial food establishment shall employ a licensed plumber, at its own expense, to conduct an annual inspection of its grease trap(s) and connecting wastewater lines to ensure that grease is being adequately removed from the wastewater being discharged into the sewer system. The licensed plumber shall provide a formal inspection report to both the food establishment and the Board of Health within three (3) weeks of said inspection. This report shall contain the licensed plumber's observations with regard to the efficiency of the grease trap, the amount of grease found in the connecting wastewater lines, and the maintenance and efficiency of the grease trap (with particular attention given to whether the trap needs replacement or increased capacity).
- c. Storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water, or unpolluted industrial process waters, to any sanitary sewer.
- d. Rubbish, ashes, cinders or garbage except such kitchen wastes as shall have been ground or chopped by mechanical devices or appliances.
- e. Brewery or distillery waste in any form.
- f. In addition to the foregoing, any waste or substance which shall cause, or result in:

1. Chemical reaction, either directly or indirectly with the materials of construction to impair the strength or durability of any sewer structure.
2. Mechanical action that will destroy or damage the sewer system structure.
3. Restriction of hydraulic capacity of sewer structures.
4. Restriction of normal inspection or maintenance of sewer structure.
5. Placing of unusual demands on the sewage treatment equipment or process.
6. Limitation of effectiveness of the sewage treatment process.
7. Danger to public health and safety.
8. Obnoxious conditions inimical to the public interest.

20-5 PENALTIES.

- a. *Penalty.* Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to a fine not to exceed five hundred (\$500.00) dollars, or be imprisoned for a term not to exceed ninety (90) days, or both. Each day that a violation continues to exist shall be deemed to be a separate violation
- b. *Violation Discovered.* If, during an inspection, the Borough discovers a violation of this Chapter, the Borough shall notify the owner and/or operator of the nature of said violation as soon as reasonably possible and, in its discretion, issue (1) a summons in accordance with the penalty provision set forth herein, or (2) a notice to the owner and/or operator for the correction of said violation within seven (7) days thereof. If said violation is not corrected within such time, the Borough shall issue a summons in accordance with this Chapter.
- c. *Cost of Repair or Loss.* Any commercial food establishment that violates any of the provisions of this Chapter shall become liable to the Borough for any expense, loss or damage occasioned by the Borough by reason of such violation, including the cost of inspecting, repairing or restoring any sanitary sewer damaged by such violation, including reasonable attorney fees charged tot he Borough in seeking to enforce this section.
- d. *Enforcement.* Except as where otherwise provided, the Health Officer of the Borough, or his or her designated representative(s), and/or any persons so designated by the Board of Health or the Department of Public Works shall have the authority to enforce the provisions of this Chapter.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: July 27, 2009

Final Reading: August 10, 2009