

ORDINANCE 9 OF 2024

**AN ORDINANCE OF AVOCA BOROUGH, LUZERNE COUNTY,  
RELATING TO THE REQUIREMENT FOR TO  
INSTALL & MAINTAIN GREASE INTERCEPTORS TRAPS**

**WHEREAS**, in the interest of the health, safety and welfare of the citizens and residents of the Borough of Avoca, the Borough Council wishes to require the installation and maintenance of grease interceptors and traps for applicable properties located in the Borough of Avoca.

**NOW THEREFORE**, be it ordained as follows:

**SECTION 1 – TITLE**

This Ordinance shall be known as the Avoca Borough Grease Trap Ordinance

**SECTION 2 – DEFINITIONS**

**ABNORMAL INDUSTRIAL WASTE** - Any industrial waste having a suspended solid content or B.O.D. appreciably in excess of that normally found in sanitary sewage. For the purposes of these regulations, any industrial waste containing more than 350 milligrams per liter of suspended solids, or have a B.O.D. in excess of 300 milligrams per liter shall be considered abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing from those normally found in sanitary sewage. A determination of normal industrial waste can be adjudged by the Borough Engineer as a result of an analysis of a completed Borough Industrial Waste Questionnaire, and need not be limited to suspended solids or B.O.D.

**AUTHORITY** – The Borough of Avoca, including but not limited to its representatives, agents, employees, Engineer, and Code Enforcement Officer.

**GREASE INTERCEPTOR** – An interceptor whose rated flow exceeds 35 gallons per minute and which is located underground, outside the building.

**GREASE TRAP** - An interceptor whose flow rate is 35 gallons per minute or less and which is located inside the building. "Grease traps" shall be rated for a minimum 22.50 gallons per minute.

**INDUSTRIAL WASTE** - Any solids, liquids or gaseous substances or forms of energy ejected or escaping in the course of any industrial, manufacturing, trade or business use or process or in the course of development, recovering or processing of natural resources, as distinct from but not sanitary sewage.

**PERSON** - Includes natural persons, partnerships, companies, societies, trusts, associations and corporations, public or private.

**PROPERTY** – Real Property situate in the Borough of Avoca or served by the sewer system.

**PROPERTY OWNER** - Any person that owns property connected to the Borough of Avoca or the sewer system located in the Borough of Avoca.

**RESTAURANT** – Every building or room occupied or used as an eating place, or a food preparation facility.

**SANITARY SEWAGE** - The normal water-carried household and toilet wastes from residences, business buildings, institutions, and industrial and commercial establishments, exclusive of stormwater runoff, surface water or ground water.

**SEWER** – Any pipe or conduit carrying sewage.

**SEWER SYSTEM** - All sanitary or combined sewers, all pumping stations, all force mains, all sewage treatment works, and all other sewerage facilities owned, leased and operated by the Borough of Avoca or the Authority for the collection, transportation and/or treatment of sanitary sewage and industrial waste, together with their appurtenances, and any additions, extensions, or improvements thereto. It shall also include sewers within the Borough's service areas which serves one or more persons and discharges into the sewer system even though those sewers may not have been constructed by the Borough and are not owned or leased and operated by the Borough. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the sewage treatment facilities.

### **SECTION 3 – LIMITATION OF GREASE**

No person, restaurant, or property owner shall discharge into the sewer system any sanitary sewage or industrial wastes containing more than 100 milligrams per liter by weight of fat, oil or grease (collectively "grease"). Any single discharge in excess of this limitation shall be a single violation of this Section. More than one violation may occur in a single day, depending upon the amount and frequency of the grease discharge.

### **SECTION 4 – LIMITATION OF ABNORMAL INDUSTRIAL WASTE**

No person, restaurant, or property owner shall discharge into the sewer system any abnormal industrial waste. Any single discharge in excess of this limitation shall be a single violation of this Section. More than one violation may occur in a single day, depending upon the amount and frequency of the abnormal industrial waste discharge.

### **SECTION 5 – EXCESS OF LIMIT**

The Borough of Avoca may compel discontinuance of the use of the sewer system for discharge of such unacceptable grease or abnormal industrial waste, or to require pretreatment and/or equalization of flow thereof and installation of grease traps or grease interceptors to prevent harmful or adverse effects upon the sewer system. The design, construction and operation of such pre-treatment and/or flow equalization facilities, grease traps, and/or grease interceptors shall be made at the sole expense of the property owner and/or person discharging said unacceptable grease wastes in accordance with this Section, and shall be subject to the approval of the Borough of Avoca.

## **SECTION 6 – PLUMBING TO BE IN GOOD REPAIR**

Every restaurant and property shall be well drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through it to the main sewer system. All drains, sewers, waste and soil pipes, traps and water in gas pipes shall, at all times, be kept in good repair and order so that no gases or odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair free from obstruction.

## **SECTION 7 – INSTALLATION OF GREASE INTERCEPTORS & TRAPS**

Every restaurant, whether new or existing, shall install or cause to be installed a grease interceptor or grease trap. The type of installation shall be determined by the total fixture flow-through rate of potential grease-laden fixtures discharging through the building sewage lines as determined by Borough of Avoca or its designated representative. For flow-through rates 35 gallons per minute or less, an internal grease trap may be installed in certain existing structures used as restaurants and food preparation facilities. For flow-through rates exceeding 35 gallons per minute, an external, underground grease interceptor must be installed in all new structures or changes of use involving restaurants. In any case, the grease trap or grease interceptor shall be designed to and shall actually accomplish the limitation of grease as required by this Section.

Said grease trap or grease interceptor shall be installed at an appropriate location along the sewer connection line between the restaurant and the entry of the line into the main sewer system. An inspection site tee shall be installed between the interceptor discharge and shall connect to the sanitary sewer system.

No solid waste devices, such as waste grinders, disposals, potato peelers, etc., shall discharge through the grease trap or grease interceptor. Only potentially grease - laden fixtures may discharge through the trap or interceptor.

In any existing restaurant where there is a change of use or change of ownership, the property owner shall be required to provide updated information on the ownership and use to the Borough of Avoca. In such case, the current grease trap or grease interceptor on the property shall be inspected to ensure that it meets the requirements of this Section. To the extent that it may be necessary to meet ordinance compliance, the property owner may be required to modify the existing or install a new grease trap or grease interceptor as may be appropriate and in accordance with Section 6 above.

All grease traps or grease interceptors shall meet and shall be installed in accordance with all applicable laws, including but not limited to, the Uniform Construction Code.

## **SECTION 8 – MAINTENANCE OF GREASE INTERCEPTORS AND TRAPS**

All grease interceptors and grease traps shall be maintained and kept in good working order at all times. The grease interceptor or grease trap shall limit the amount of grease discharged into the sewer system to levels not exceeding those permitted by the Borough

of Avoca. Grease discharges shall not exceed 100 parts per million downstream of the grease interceptor or grease trap.

It shall be the duty and responsibility of any property owner, lessee or agent of any restaurant to clean, and, at a minimum annually, inspect the grease interceptor or grease trap. Such efforts shall be accomplished with a duly qualified business or company. A written record shall be kept of all inspections and grease removal. The inspection report shall, at a minimum, list the company name, company representative, address and phone number of the company, the method and frequency of cleaning schedule and the date of cleaning/inspection. Such records shall be presented to the Borough of Avoca upon request. A more frequent cleaning/inspection schedule shall be performed at the property when it is determined by the Borough of Avoca that the property is discharging excessive amounts of grease to the sewer system.

### **SECTION 9 – MODIFICATIONS**

The requirements of this Section may be modified upon the written request of a property owner and the written approval of the Borough of Avoca, if such modification meets the requirements and intent of this Section. Preference will be given to the utilization of new technology when modifications are requested.

### **SECTION 10 – PENALTIES & VIOLATIONS**

Any person who violates or fails to comply with any provision of this Section shall be subject to the following fines, which may be amended, as needed, from time to time, by ordinance or resolution:

- Fine Fee Schedule
  - First Time Offense - \$500.00
  - Second Offense - \$750.00
  - Third and Subsequent Offenses - \$1,000.00

In addition to the above fines, the property owner shall pay, or reimburse the Borough of Avoca for, all cleanup costs, any costs to remedy any damages incurred, any inspection costs, and the costs of prosecution, including filing fees, and any engineer, attorney, employee or representative fees, and any other Borough expenses related to the violation (the "Expenses"). If the owner fails to pay the expenses, then the expenses shall be collectible from the property owner by any method available at law or in equity, including a municipal claim.

If the property owner desires to undertake the efforts to remedy any violation, and it may do so upon approval of and subject to supervision by the Borough of Avoca.

Any property that is in violation of this Section may be subject to inspections at the discretion of the Borough of Avoca.

Upon the third violation on any property, the property owner shall be required to implement the services of a professional grease disposal company (the "company"). A program shall be implemented with the company, subject to approval by the Borough of

Avoca, that will provide for the regular inspection and maintenance of the grease trap, as well as periodic removal of the grease therefrom (the "maintenance program"). In such case, the property owner shall provide documentation including receipts and reports and other documents as requested to evidence that the maintenance program remains in effect. The maintenance program shall remain in effect until the property owner demonstrates continued compliance with all ordinances and requirements regarding the sewer system and grease trap, for a minimum of two years. Thereafter the property owner may request to discontinue the maintenance program by submitting such a request to the Borough of Avoca in writing. The Borough of Avoca may authorize discontinuance at its reasonable discretion.

#### **SECTION 11 – REPEALER**

Any past ordinance, or part or parts thereof, conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith. In all other respects, the ordinances of the Borough of Avoca shall remain as previously enacted and ordained.

#### **SECTION 12 – SEVERABILITY**

The provisions of this Ordinance are severable. If any Section, sentence, clause, phrase of this Ordinance shall be held illegal, invalid, unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause or phrase not been included. Furthermore, it is the intent of this Ordinance to be supplementary to, and not contrary to, any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.

#### **SECTION 13 – EFFECTIVE DATE**

This Ordinance shall become effective immediately upon enactment as provided by law.

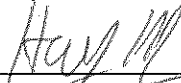
**PASSED and ENACTED** on this 10th day of October, 2024, at the regular meeting of the Avoca Borough Council.

ATTEST:

AVOCA BOROUGH COUNCIL

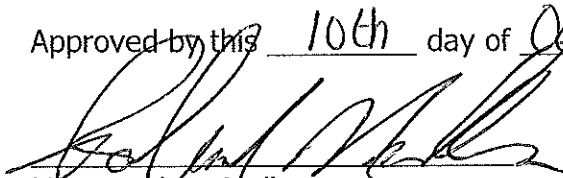


Sandy Van Luvender  
Borough Manager/Secretary



Holly Homscheck  
President, Avoca Borough Council

Approved by this 10th day of October, 2024.



Mayor Robert Mullen