

RESOLUTION ADOPTING A LOCAL LAW AMENDING VILLAGE CODE §220-4.4
NONCOMPLYING WASTES, SECTION E, GREASE TRAP REQUIREMENTS

WHEREAS, the Village Board of the Village of Sag Harbor is seeking to amend the grease trap requirements set forth in the Sag Harbor Village Code Article IV, Wastewater Discharge Regulations, §220-4.4(E), Noncomplying Wastes, Grease Trap Requirements to establish compliance and maintenance requirements and allow the Village to charge back any costs related to clearing obstructions from grease traps in the Village sewer system to the responsible business establishment; and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law amending Village Code §220-4.4(E), Noncomplying Wastes, Grease Trap Requirements; and

WHEREAS, public hearings were held on July 11, 2023, August 8, 2023, and September 12, 2023, at which time all persons either for or against the proposed local law were heard; and

WHEREAS, the Village of Sag Harbor and the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis determined that the proposed action is Type II Action requiring no further environmental review; and now therefore be it

RESOLVED, that the following local law is hereby adopted:

LOCAL LAW NO. 8 OF 2023

Be it enacted by the Village Board of Trustees of the Village of Sag Harbor as follows:

A LOCAL LAW to amend Village Code §220-4.4(E) Noncomplying Wastes, Grease Trap Requirements to amend the requirements for grease traps.

SECTION 1. Legislative Intent.

The Village has been experiencing blockages in its sewer system as a result of failed grease traps that create obstructions in the sewer lines resulting in back ups and blockages. Several times this year the Village has had to clear the obstructed sewer lines as a result of failed grease traps from local food establishments and/or restaurants. These obstructions result in a failure of the sewer to operate properly and back up in the restaurant or other business establishments and can result in damage to the Village sewer system as well as create potential public health issues. In response the Village addresses these obstructions immediately to clear the sewer lines and resume

function for the business and area served by the sewer all at the public’s expense. Given that the Village can establish what restaurant or food establishment’s grease trap failed, it is now imperative to charge back the establishments causing these obstructions and resultant harm to the village. The Village Board of Trustees seeks to address this issue by amending the sewer code to establish stricter maintenance requirements and reporting for grease traps, increased penalties for a failure to comply with the code and to add a provision requiring that any emergent clearing of the sewer from failed grease traps gets charged back to the business establishment that caused the obstruction.

SECTION 2. Amendment. Please see the following and amend Village Code §220-4-4(E), Noncompliant Waste regulations, by deleting those words that are stricken and adding those words that are underlined:

§ 220-4.4 **Noncomplying wastes.**

E.

Grease trap requirements shall be as follows:

(1)

At every restaurant and other food preparation establishment (any business establishment where food is prepared for sale or for service on the premises or elsewhere) on using premises, a grease trap shall be required for the kitchen or food preparation area.

(2)

The grease trap shall comply with the following provisions:

(a)

It shall be located outside the building preceding the public sewer connection.

(b)

It shall be of approved precast concrete with a cast iron cover brought to grade.

(c)

The outlet shall be six inches below the inlet and have a drop T extending to within one foot of the bottom.

(d)

The outlet shall be located at the maximum possible distance from the inlet.

(e)

The minimum size/capacity requirement shall be based on the flow rate, in accordance with the following table:

[Amended 8-9-2022 by L.L. No. 14-2022]

Design Flow (gallons per day)	Septic Tank (gallons)	Minimum Grease Trap Diameter (feet)	Liquid Depth (feet)
Less than 1,000	1,500		

1,000 to 4,000		8	5
4,000 or more		10	5

(3) The design, installation and maintenance of the grease trap shall be subject to the provisions of § 220-4.5 and other applicable provisions of this chapter.

(4)

No grease trap shall be installed without first obtaining a permit from the Superintendent. The fee for such permit shall be as established from time to time by resolution of the Board of Trustees. The fee shall include the Village’s review of grease trap drawings prepared by applicant’s licensed engineer or architect. The fee shall also include the costs of oversight of the grease trap installation by Village representative.

(5)

If installation of a grease trap outside the building as required by Subsection E(2) of this section would be impossible or would involve extreme practical difficulty due to the circumstances of a particular using premises, the user may apply to the Superintendent, Building Inspector and Engineer Sewer Committee ~~(the Trustee in charge of sewer operations and the Building Inspector)~~ for a waiver of the requirement that the grease trap be an outside-type grease trap. Such application shall include plans for an interior-type grease trap system. In such event, Superintendent, Building Inspector and Engineer ~~said Sewer Committee~~ may grant such waiver by approving plans for an interior-type grease trap system. The fee for such waiver application shall be as established from time to time by resolution of the Board of Trustees.

(6)

At every restaurant and other food preparation establishment, the increased 1,500 gallon size grease trap required by this subsection shall be installed by December 30, 2024.

[Amended 8-9-2022 by L.L. No. 14-2022]

(a)

If there is a change of use or work requiring a building permit is performed at any such restaurant or food preparation establishment prior to December 30, 2024, the required grease trap shall be installed at the time of performance of such change of use or work. The new grease trap shall be installed prior to the issuance of a certificate of occupancy or compliance for such change of use or work.

(b)

If property containing any such restaurant or food preparation establishment is sold prior to December 30, 2024, the required grease trap shall be installed at the time of such sale. Any change in tenancy shall also require compliance with the new minimum capacity 1,500-gallon-size grease trap at the time the lease is entered into.

(7)

At every restaurant and other food preparation establishment which commences after April 7, 1992, and which does not exist as of April 7, 1992, the grease trap required by this Subsection E shall be installed prior to commencement of such use.

(8)

The owner of record using premises subject to the grease trap requirements shall be responsible for compliance with the grease trap requirements. The owner of the restaurant or other food preparation business shall also be responsible for compliance with such requirements.

(9) Inspection, Maintenance. Upon inspection by the Superintendent of a noncompliant and/or failed grease trap the owner of record or owner of the restaurant or other food preparation business shall have 72 hours to comply with the grease trap requirements and pump out or emptying of all contents of the grease trap to remove any obstructions associated with the grease trap noncompliance.

(a) Grease traps when cleaned at either the discretion of the owner or at the direction of the Superintendent due to an inspection, requires the complete emptying of all contents of the unit. Partial pump-outs are not acceptable and do not constitute a cleanout. A partial pump-out will not satisfy a non-compliant condition.

(b) Emptying the contents of the grease trap or pumping out the grease trap shall include the clearing of any building sewer lines leading to the public sewer.

(c) Upon the failure of a grease trap resulting in noncompliance, the owner of record or owner of the restaurant shall be required to provide a video via closed circuit camera of the building sewer line leading to the public sewer line to demonstrate that the sewer lines are cleared of the grease obstruction or other debris.

(d) Screenings, fats, oils and grease, sludges and other solids and precipitates separated from wastewaters by ancillary equipment shall be disposed of in such a manner as to prevent entry of such materials into the wastewater facilities.

(10) All food establishments must maintain a log on their premises of when their respective grease trap was subjected to a full pump out and cleaning. Such log must have the date of the pump out, the party that conducted the services, a signed receipt by the service provider showing the volume of material removed. The log book and associated supporting documents must be readily available for review by the Superintendent.

(11) When there results in an obstruction in the sewer that requires emergency clearing or clearing in order for the sewer to function that is a result of a failure to comply with Village Code §220-4.4(E), Grease trap requirements, the Superintendent shall, after the property owner or food preparation business/restaurant owner has failed to act to within 72 hours as referenced in Village Code §220-4.4(E)(9), due to the emergent need to clear the obstruction for the sewer to function, the Superintendent may remedy the violation and clear the obstruction or disconnect the premises from the sewer system where necessary at public expense.

(12) The owner of any premises with respect to which any work has been performed at public expense pursuant to Subsection 11 of this section shall be liable to the Village for all costs and expenses associated therewith. Such expenses shall include but not be limited to Village workforce labor costs, contractors engaged by the Village to remedy the obstruction, engineering costs if required to assess damage and repairs necessary to remedy the obstruction caused by the defective or non-compliant grease trap.

- (a) When the Village has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to such owner by the Village, and such charge shall become due and payable by said owner or person at the time of the payment of such bill.
- (b) Where the full amount due the Village is not paid by such owner within 20 days after the correction of such violation as provided above, then, and in that case, the Superintendent shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty at the rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes in the statement that the same is due and collectible as provided by law.
- (c) Civil penalties. The owner of any using premises with respect to which a violation of this provision shall continue for more than 10 days after the Superintendent has given such

owner written notice thereof shall be liable to the Village for a civil penalty in the amount of \$1000 for each and every day during which such violation shall so continue, which penalty shall be in addition to and not in lieu of any other remedy of the Village or any other penalty which may lawfully be imposed under this article.

SECTION 3. Authority.

The Village of Sag Harbor hereby enacts this legislation pursuant to NYS Village Law Article 14.

SECTION 4. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall be rendered.

SECTION 5. Effective Date.

This chapter shall take effect immediately upon filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law.