

**AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE VII (“UTILITIES”), CHAPTER 715 (“SEWERS AND SEWAGE DISPOSAL”), ARTICLE 715-II (“USE OF THE PUBLICLY-OWNED TREATMENT WORKS”), SECTION 715.190 (“FATS, OILS, GREASE AND SAND”), OF THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI**

**WHEREAS**, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

**WHEREAS**, the City routinely reviews its Municipal Code to ensure conformity with governing state and federal law, enhance clarity, and eliminate ambiguity, as well as to the further promote the City’s mission, vision and values in the best interests of the City and its citizenship body as a whole; and

**WHEREAS**, in reviewing the Municipal Code consistent with the priorities listed herein above, City staff identified the need to amend the existing code provisions governing the production, disposal and other handling of Fats, Oils, Grease and Sand (FOGS), to implement a fee structure for permitting of FOGS devices.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:**

**Section 1:** Title VII (“Utilities”), Chapter 715 (“Sewers and Sewage Disposal”), Article 715-II (“Use Of The Publicly-Owned Treatment Works”), Section 715.190 (“Fats, Oils, Sand and Grease”), of the Municipal Code of the City of Republic, Missouri, is hereby amended to read as follows:

**Chapter 715.190 Fats, Oils, Grease and Sand**

- A. *Scope And Purpose.* This Section is established to aid in preventing the introduction and accumulation of fats, oils, greases, sand (FOGS) and other harmful wastes into the municipal sewer system that tend to cause or contribute to sanitary sewer blockages and obstructions. Food service establishments, industrial and commercial operations, and other generators of FOGS are subject to this Section. This Section regulates such users by requiring grease interceptors, traps, recovery appliances, and other strategies approved by the Public Works Director be installed, implemented and maintained in accordance with the provisions hereof.
- B. *Objectives.* The objectives of this Section are:
1. To prevent the introduction of contaminants that may inhibit operation of the sanitary sewer collection system and treatment plant.
  2. To protect the environmental quality of the streams, creeks and other public waterways traversing the City.
  3. To better enable the City of Republic to comply with State and Federal laws to which the City is subject.

4. To protect the health, safety and welfare of the public and City workers through regulation of pretreatment and on-site treatment methods.
- C. *City-Operated Facilities Not Exempted.* Facilities owned or operated by the City of Republic where fats, oil, grease, sand or other wastes other than domestic strength sewerage shall be subject to the provisions of this Section and all adopted policies.
  - D. *Separator/Interceptor/Trap Required.* Grease, oil and/or sand separators/interceptors/traps shall be provided at the user's expense when necessary for the proper handling of wastewater discharges containing fats, oils, grease, flammable wastes, sand, grit and other harmful components, except for private living quarters or dwelling units unless a home-based business is determined by the City to be a significant generator of FOGS. All grease, oil and/or sand separators/interceptors/traps shall be of a type and capacity approved by the Director and shall be located to be readily accessible for cleaning and inspection. Grease, oil and sand separators and associated sampling pits/ports shall be constructed in conformance with the adopted edition of the International Plumbing Code, the Fats, Oils, Grease and Sand (FOGS) Management Program, and with any standards adopted pursuant to this Section. When installed, the FOGS-contributing user, at his/her expense, shall maintain all grease, oil and sand interceptors in continuously efficient manner and in compliance with the provisions in this Section.
  - E. *Permit Required.* No user shall operate a grease, oil and/or sand separator without possessing a valid City of Republic permit or exemption thereto, as issued by the Public Works Director. **A FOGS permit fee as provided for in the fee schedule found in Section 805.050 shall be submitted to the City prior to inspection or operation of a grease, oil and/or sand separator.** Permits shall be issued for a period of five (5) years and will be renewed at the end of each term after a review of user compliance. Permits may be reissued as needed to reflect changes in operating/maintenance conditions or equipment. The user is required to keep the permit on the premises and produce it upon the request of the City.
  - F. *Director Authorized.* The Public Works Director is authorized and directed to develop and maintain a comprehensive and cohesive policy consistent with the provisions of this Section. The policy, along with any associated forms, diagrams and procedures, shall be designated as the Fats, Oils, Grease and Sand (FOGS) Management Program. Once adopted by the City Council, a copy of the FOGS Management Program shall be kept on file by the City Clerk. The Public Works Director is further authorized to make periodic updates or modifications to the adopted program conditioned upon providing sixty (60) days' written notice to all wastewater users regulated hereunder and filing the update or modified program with the City Clerk. If no written objections are received by the City Clerk within the sixty-day period, the proposed update or modification may be considered approved under the authority granted herein. City Council must approve, by resolution, any proposed

update or modification for which a wastewater user has submitted a timely written objection to the City Clerk.

G. *Suspension Or Revocation Of Permits Or Authority To Discharge.* The City shall retain authority to suspend or revoke operation of FOGS user permits or the authority to discharge wastes into the public sewer for violations of the FOGS Management Program.

H. *Enforcement.*

1. It is unlawful for a user, person or entity to fail to comply with, or otherwise violate, the provisions of this Section or any section of the FOGS Management Program. A notice of violation (NOV) shall be issued for failure to comply with the following requirements of this program:

- a. Properly operate, maintain, and/or clean the FOGS management equipment as detailed by the FOGS Management Program or by the FOGS permit issued to the user.
- b. Possess a valid FOGS permit issued by the City of Republic when the facilities are regulated under this Section.
- c. Report significant changes in operations or wastewater characteristics that result in a sewage discharge exceeding the limits stated within this Section or results in the formation of grit or grease in the public sanitary sewer.
- d. Maintain FOGS-related pumping, cleaning, or maintenance file records for a minimum period of three (3) years.
- e. Perform and report maintenance, complete repairs, replace or install FOGS management equipment within time frequency prescribed by the City.
- f. Clean FOGS management equipment within the time frequency prescribed by the City, unless exemptions are authorized under this Section or through adopted policy.
- g. Retain flow regulators on FOGS equipment as required for proper functioning.
- h. Discharge wastewater into the public sanitary sewer that does not exceed the following limits:
  - (1) One hundred (100) milligram per liter total recoverable fats/grease.
  - (2) One hundred (100) milligram per liter petroleum oil, non-biodegradable cutting oil or mineral oils.
  - (3) pH levels lower than six (6.0) standard units or higher than nine (9.0) standard units.

- (4) Two hundred fifty (250) milligram per liter biological oxygen demand or chemical oxygen demand.
    - (5) Two hundred fifty (250) milligram per liter total suspended solids.
2. The City may serve any user with a written notice of violation (NOV) for failure to comply with this program. The party to whom the NOV is directed shall be given an appropriate amount of time, as determined by the City, to correct noted deficiencies. Should measures to correct any deficiency not be completed in a timely manner as directed by the City, and measures to promote compliance have been exhausted, a summons to appear in the City of Republic Municipal Court will then be issued to the owner, contact person and/or user, or their authorized representative. The City may seek whatever remedies are authorized by the State of Missouri Statutes, City ordinances, at law or in equity, against any person or user violating the provisions of this program. Upon issuance of notification of the NOV, each day corrective action is not taken shall be determined to be a separate violation. Fines and penalties may be assessed each and every day to the owner or contact person or user of the property until compliance with this program is achieved.
3. The City shall have the right to inspect the building sewer and to discontinue water or sewer service to any property where the plumbing is not maintained to IPC code or in a sanitary, effective, and/or efficient operating condition, or if the public sewer facilities may be harmed thereby. The remedies provided in this program shall not be exclusive, and the City may seek other remedies as authorized by statute or City ordinance, at law or in equity, against any person or user violating the provisions of this program.
4. Any non-domestic user who allows grease trap, separator or interceptor wastes, sludges or other prohibited wastes to be deposited into the public sewer collection system, whether through discharge, improper installation, improper operation or maintenance or a grease trap, separator or interceptor, failure to install an adequately sized grease trap, separator or interceptor, failure to provide proper containment or other intentional or unintentional action shall be subject to enforcement actions as provided by this or other applicable laws or regulations. Such actions may be declared a public nuisance.
5. Any person who allows grease trap, separator, or interceptor wastes or sludges or other prohibited wastes to be deposited into a street, gutter, storm sewer, or onto public or private property, whether through discharge, improper installation, improper operation or maintenance of a grease trap, separator or interceptor, failure to install an adequately sized grease trap, separator or interceptor, failure to provide proper containment, or other intentional or unintentional action shall be subject to enforcement actions as

provided by this or other applicable laws or regulations. Such actions may be declared a public nuisance, a threat to the POTW, and/or to the health and welfare of persons.

- 6. The City shall have the right to obtain discharge samples and perform lab tests for the measuring of wastes and flows from the building sewer. Sampling pits/ports shall be designed and constructed in accordance with the FOGS Management Program.
- 7. Water service to any structure, business or entity may be discontinued in the event that a violation of the FOGS Management Program constitutes a public health threat. All outstanding fees, penalties, or other utility charges must be paid prior to reinstatement of water service.

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title(s)) is added language. Matter shown above in ~~strikethrough font~~ is deleted language.

**Section 2:** All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance, shall remain unmodified and in full force and effect.

**Section 3:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

**Section 4:** The WHEREAS clauses above are specifically incorporated herein by reference.

**Section 5:** The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

**Section 6:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_ day of May, 2024.

**Attest:**

\_\_\_\_\_  
Eric Franklin, Mayor

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

  
\_\_\_\_\_

Megan McCullough, City Attorney

**Final Passage and Vote:**