

## ORDINANCE O-1311-013

To Amend the Code of Ordinances, City of Milledgeville, Georgia to Create a New Chapter to Be Numbered Chapter 91 and Entitled *Food Service and Food Preparation Recovery System*

WHEREAS, the Mayor and Aldermen of the City of Milledgeville desire to amend the Code of Ordinances, City of Milledgeville, Georgia by creating a new Chapter to be numbered as Chapter 91 and entitled *Food Service and Food Preparation Recovery System*.

NOW THEREFORE BE IT ORDAINED by the Mayor and Aldermen of the City of Milledgeville that the Code of Ordinances, City of Milledgeville, Georgia is hereby amended by creating Chapter 91 – *Food Service and Food Preparation Recovery System*.

BE IT FURTHER ORDAINED that the above referenced Chapter is added as follows:

### Chapter 91 FOOD SERVICE AND FOOD PREPARATION RECOVERY SYSTEMS ARTICLE I. IN GENERAL

#### Sec. 91-1. Purpose; objective.

Excessive amounts of fats, oils, grease, grit, sand, and other solid or viscous materials can cause blockage and obstruction in the sanitary sewer system causing untreated wastewater to overflow into the environment. Much of the waste material that has the potential to cause blockage or obstruction originates from commercial facilities, such as food preparation and vehicle maintenance facilities.

This Ordinance sets forth minimum and uniform requirements for the treatment and disposal of commercial waste into the sanitary sewer system, and the transportation and ultimate disposal of commercial waste sludge and byproducts.

The objective of this Ordinance is:

- a) To minimize the introduction of fats, oils, and greases into the City of Milledgeville wastewater collection system.
- b) By enactment of these regulations, the City of Milledgeville intends to exercise its authority over the main components of the program which

are the proper sizing, installation, and maintenance of grease interceptors.

- c) To establish the administration and inspection requirements of food service facilities herein as well.
- d) To assure that the sludge and byproducts removed from commercial waste treatment systems are transported and disposed of in accordance with Chapter 391-3-6-.24 of the Rules and Regulations of the EPD.

### Sec. 91-2. Definitions.

The following words, terms, and abbreviations shall apply only to this section, except where the context clearly indicates a different meaning:

*Commercial Wastes* – The oils, greases, liquids, and solids, removed from a container by pumpage. They include:

- a) non-toxic, non-hazardous liquid wastewater from commercial facilities; grease interceptor contents generated by a commercial food operation or institutional food preparation facility, including without limitation, fats, grease, and food scraps; or
- b) any oil waste residue produced from vehicle maintenance or washing that discharge to an oil- water separator or sand trap;

*City* – City of Milledgeville, Georgia

*Director* –the Director of the Water and Sewer Department for the City of Milledgeville or his designate

*Disposal Site* – The facility which accepts the waste materials from a transporter. All disposers must be permitted by the Georgia Environmental Protection Division (EPD) to receive such wastes.

*EPD* – Environmental Protection Division of the Department of Natural Resources, State of Georgia.

*FOG, Fats, Oils, and Greases* – Any fats, oils, and grease generated from the

food preparation process as identified by the most current EPA method as listed in 40-CFR 136.3

*FOG Manifest* – A document that the Georgia State permitted transporter must provide the FOG generator as proof of services rendered.

*Food Service Establishments* –

Any person or establishment who prepares and/or packages food or beverage for sale or consumption, on or off site, with the exception of private residences so long as the private residence is not used to prepare or package food or beverage for sale.

Food service establishments include but are not limited to: food courts, food manufacturers, food packagers, restaurants, food caterer, cafeterias, bars/taverns, soda fountains, institutions both public and private, diners, convenience stores, grocery stores, meat markets, bakeries, coffee shops, ice cream shops, hospitals, hotels, nursing homes, churches, schools, prisons, daycare centers, and all other food service establishments not listed above either fixed or mobile as are or may hereafter be recognized by the health department and/or the state department of agriculture.

*Grease Interceptor, grease trap, or grease removal device* – A multi-compartment device that is designed to separate grease, oils, and fats from wastewater flow with a containment area designed to collect, contain, or remove food wastes prior to discharge to the sewer system. These devices also serve to collect settleable solids, generated by and from food preparation activities

- a) *Grease interceptor* shall mean a large separator/containment box with a rate flow of more than 5 g.p.m. and a minimum capacity of 1000 gallons, normally installed underground, outside of the food service establishments.
- b) *Grease trap* is a smaller separator/containment box with a rated flow of 50 g.p.m. A grease trap is generally installed inside a building, usually in a kitchen and generally has a grease capacity of less than 500 pounds
- c) *Grease removal device* is a grease trap that has an automatic mechanism to remove the separated grease, oils, and fats. These are sometimes called *automatic grease removal devices*.

*Grit Trap* – A structure or device designed primarily for the accumulation and removal of grit.

*LGA* – Local governing authority.

*Oil-water separator* – A structure or device designed primarily to collect and retain oily substances.

*Originator* – The owner or operator of the grease or FOG interceptor, grit trap, oil-water separator, or sand trap from which commercial wastes are removed.

*Sand Trap* – receptacle designed for the accumulation and removal of sand, grit, rocks and other similar debris.

*Septic Wastes*– The contents of a septic tank.

*Transporter* – The hauler who pumps waste materials from grease traps and/or interceptors into a hauling vehicle for disposal at an approved site. The transporter must have a FOG permit number.

*User* – Any person or facility who contributes, causes, or permits the contribution or discharge of wastewater into the sanitary sewer system. This includes those located outside the jurisdictional limits of the City of Milledgeville.

### **Sec. 91-3. Coverage and Exclusions.**

This Ordinance applies to any facility that generates commercial wastes, to any person who removes commercial wastes, to any person who processes commercial wastes, and to any person who accepts commercial waste for final disposal.

This Ordinance applies only within the geographical and political boundaries of the City of Milledgeville ,Georgia. However, any originator of commercial waste that is connected to the sewer collection system that feeds into the City's POTW plant shall be subject to this ordinance.

**Sec. 91-4. Requirements.**

a) Responsibility:

- 1) Users shall at all times properly operate and maintain their FOG interceptors and appurtenances.
- 2) It is the responsibility of the originator to assure that the commercial waste removed from the originator's facility is properly treated, and discharged to the sewer system, wastewater, sludge and byproducts area transported by a permitted transporter, and disposed of at an EPD approved commercial waste processing and disposal facility.

b) Limitations:

- 1) No user shall introduce into the sewer system any materials in an amount which would cause interference with the system. In addition to any limitations set forth in the pretreatment ordinance no user shall introduce or cause to be introduced into the sewer system the following:
  - a. Solid or viscous materials in amounts which will cause obstruction of the flow to the sanitary sewer system.
  - b. Petroleum or mineral oils in concentrations greater than 100 mg/l.
  - c. FOG of animal vegetable origin in concentrations greater than 100 mg/l.
- 2) The originator will bear all the expense of proving compliance with the 100 mg/l threshold.
- 3) The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR (Code of Federal Regulations).

**Sec. 91-5. Food Service Establishments.**

a) New Facilities:

- 1) Facilities likely to discharge fats, oils, and grease, which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not

previously exist, shall be required to install an approved, properly operated and maintained pretreatment device/interceptor. Pretreatment devices/interceptors shall be installed prior to the opening or reopening of said facilities.

- 2) New pretreatment devices/interceptors shall be inspected by the city during installation and prior to use to ascertain compliance with this Ordinance.
- b) Existing Facilities: Existing commercial facilities shall be required to install an approved properly operated and maintained pretreatment device/interceptor when any of the following conditions exist:
- 1) Facilities that are found to be contributing fats, oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the collection system.
  - 2) Remodeling of the food preparation or kitchen waste plumbing facility.
  - 3) Facility change of ownership or lease holder.
- c) The separator(s) shall exclude sanitary wastewater and be located outside of any building and accessible for proper maintenance and inspection. In areas where additional weight loads may exist, the separator(s) shall be installed with traffic bearing covers. A manhole opening must be provided over the discharge pipe and inlet and outlet pipe(s) for inspection and maintenance purposes. A separate sampling manhole may be required by the City.
- d) The FOG separator equipment shall be pumped out as required herein and maintained by the originator
- e) Alternative Treatment Methods: The use of any alternative method of treatment is prohibited without written approval of the city. Alternative treatment systems, such as mechanical grease recovery devices, shall be used on a case by case evaluation and authorization of the city.
- f) The use of chemicals, enzymes and bacteria is prohibited. The use of any additives shall not be considered as an alternative to an adequate treatment system or in lieu of regular maintenance, as prescribed in the Ordinance.
- g) Maintenance Required: All FOG separators shall be maintained at the

originator's expense. Maintenance shall include the complete removal of all contents of the separator. All FOG separators shall be pumped out at a frequency not to exceed ninety (90) days or as required by the city pursuant to the schedule established by the director or his designee.

#### **Sec. 91-6. Maintenance and Service Facilities.**

(a) Sand/Oil Separator Required: All maintenance or service facilities shall provide approved oil and solid removal equipment or facilities sufficient to meet the limitations set forth in this Ordinance. This also applies to any remodeling of an automotive enterprise, commercial laundry or other users that potentially may contribute wastes with petroleum-based oils, greases or lint.

(b) The separator(s) shall exclude sanitary wastewater and be located outside of any building and accessible for proper maintenance and inspection. In areas where additional weight loads may exist, the separator(s) shall be installed with traffic bearing covers. A manhole opening must be provided over the discharge pipe and the inlet and outlet pipe(s) for inspection purposes and maintenance purposes. A separate monitoring manhole may be required by the city.

(c) The equipment or facilities shall be installed and maintained by the originator.

(d) Maintenance Required: All separators shall be maintained at the originator's expense. Maintenance shall include the complete removal of all contents of the separator. All separators shall be pumped out at a frequency not to exceed 90 days or as required by the city pursuant to the schedule established by the director or his designee.

#### **Sec. 91-7. Interceptor Design Requirements.**

(a) Construction of Interceptors – Grease interceptors shall be constructed in accordance with the City plumbing standards and outdoor units shall have a minimum of two compartments with fittings desired for grease retention. All alternative grease removal devices or technologies shall be subject to the written approval of the city. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(b) Access Outdoor grease interceptors shall be provided with two (2) manholes terminating 1-inch above finished grade with cast iron frame and

cover. All grease interceptors shall be designed and installed to allow for complete access for inspection and maintenance of inner chamber(s) as well as viewing and sampling of wastewater discharged to the sanitary sewer.

(c) Load-Bearing Capacity – In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity (example: vehicular traffic in parking or driving areas).

(d) Inlet and Outlet Piping – Wastewater discharging to the grease interceptor shall enter only through the inlet pipe of the interceptor. The inlet pipe bottom tee branch shall extend one (1) foot below liquid level. The outlet pipe bottom tee branch shall be submerged to 2/3 of the liquid depth. Each grease interceptor shall have only one inlet and one outlet pipe.

(e) The Interceptor shall be installed on a separate building sewer line servicing kitchen flows and shall be connected only to those fixtures or drains which would allow fats, oils, and grease to be discharged. These shall include: pot-sinks, pre-rinse sinks, any sink into which fats, oils and grease are likely to be introduced, soup kettles or similar devices, wok stations, floor drains or sinks into which kettles may be drained, automatic hood wash units, dishwashers without pre-rinse sinks, and any other fixtures or drains that are likely to allow fats, oil and grease to be discharged.

(f) No food grinder shall discharge to the Interceptor.

(g) Interceptor Sizing –

(1) Outdoor grease interceptors shall not have a capacity of less than 1,000 gallons nor exceed a capacity of 2,000 gallons. No matter what the calculated capacity using the following formulas, the minimum interceptor size shall be 1,000 gallons. If the calculated capacity using one of the following formulas exceeds 2,000 gallons, then multiple units in series shall be installed.

(2) Restaurants and Food Service Establishments: The size of a grease interceptor shall be approximated by the following methods and grease interceptor size shall be the larger of the two results.

- a. Interceptor Capacity (gallons) = (S) x (25) x (Hr/12)  
S = Number of seats

Hr = Maximum hours of daily operation (Include preparation & clean up)

b. Interceptor Capacity (gallons) = (Sum of fixture flows) x (20) Type of Fixture	Flow Rate (gpm)
Restaurant hand sink	15
Pre-rinse sink	15
Single-compartment sink	20
Double-compartment sink	25
Two double-compartment sinks	35
Dishwasher up to 30 gallons	15
Dishwasher up to 50 gallons	25
Dishwasher up to 100 gallons	40
Other fixture	Manufacturer peak

Type of Fixture	Flow Rate (gpm)	Grease Retention Capacity (lbs)
Restaurant hand sink	15	30
Pre-rinse sink	15	30
Single-compartment sink	20	40
Double-compartment sink	25	50
Two double-compartment sinks	35	70
Dishwasher up to 30 gallons	15	30
Dishwasher up to 50 gallons	25	50
Dishwasher up to 100 gallons	40	80
Other fixture	Manufacturer peak	gpm x 2

(3) The following formula shall be used for hospitals, nursing homes, other types of commercial kitchens when varied seating capacity:

(M) x (GM) x (LF) = Interceptor capacity, where:

(M) means meals per day

(GM) means gallons of wastewater per meal (use 5 gallons per meal)

(LF) means loading factor:

1.0 with dishwasher

0.5 without dishwasher

(4) Under sink grease traps or automatic grease removal devices are prohibited without written approval of the city. Under sink grease traps or alternative treatment systems, such as mechanical grease recovery devices, shall be used on a case by case evaluation and authorization of the city. In no case shall an inside grease trap be less than 50 pounds.

(5) Grease interceptor designs represent minimum standards for normal usage. Installations with heavier usage require more stringent measures for which the user is responsible and shall pay the costs to provide additional measures if required by city. The city reserves the right to evaluate interceptor sizing on an individual basis for facilities with special conditions, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formula.

#### **Sec. 91-8. Grease Interceptor Maintenance.**

(a) Pumping – All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is strictly prohibited.

(b) Pumping Frequency – Outdoor grease interceptors must be pumped out completely a minimum of once every three months. Under-sink or in-line grease interceptors must be pumped/cleaned out completely a minimum of once every month. Grease interceptors may need to be pumped more frequently as needed to prevent carry over of grease into the sanitary sewer collection system. Pumping frequency may be extended past the minimum period if it can be demonstrated by the user and approved by the city.

(c) Pump Out Order – When the oil and grease concentrations exceed city's limits and/or the combined depth of bottom and top solids exceeds 25 of the total depth of the trap, the city will issue a pump out order to the user. The user shall have seven (7) days from receipt of the order to comply. Where an emergency exists, a written or verbal warning shall be given to the user, and the

user will have 24 hours to comply.

(d) The user will ensure that each grease trap or interceptor is serviced at a frequency as required by the city. The user will supervise the cleaning of the grease trap or interceptor to ensure the proper and total removal of contents.

(e) Disposal of Interceptor Pumped Material – All waste removed from each grease interceptor shall be recorded on a proper manifest form. Also, all waste removed from each grease interceptor must be disposed at a facility approved by the city to receive such waste in accordance with the provisions of this program. In no way shall the pumped material be returned to any private or public portion of the sanitary sewer collection system.

(f) Additives – Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to the city. Such additives shall include, but are not limited to commercially available bacteria or other additives designed to absorb, consume, or treat fats, oils, and grease. The use of additives shall in no way be considered as an alternative technology or a substitution for maintenance procedures required herein.

(g) Chemical Treatment – Chemical treatments such as drain cleaners, enzymes, acids, and other chemicals designed to dissolve, purge, or remove grease shall not be allowed to enter the grease interceptor.

#### **Sec. 91-9. Manifests Required.**

(a) All originators, transporters, processing and disposal site operators, involved in the removal, transport, and disposal of commercial wastes and commercial waste sludge and by-products, shall participate in proper maintenance of manifests. This manifest will require signatures from the originator, transporter and disposer in order to maintain and establish accountability. The approved manifest is a multi-copy form. A sample copy of an approved manifest is on file with the city.

(b) The originator shall:

(1) Sign the received manifest form and maintain such record on site for a period of three years making it available for inspection by the city.

(2) Upon receipt of the completed copy of the manifest from the transporter, the originator must provide a copy of the manifest within ten (10) working days to the city. Manifests may be mailed, faxed, or electronically submitted to the city. A manifest is considered complete after the commercial waste is delivered and disposed of at the commercial waste disposal or processing facility and the manifest has been signed and completed by the disposal or processing facility.

(3) Report any spills to the city upon becoming aware of a spill that could impact any surrounding areas such as storm drains, adjacent streams or ground surface where the transporter has removed waste from the facility's pretreatment system. Failure to notify the city of a spill will constitute a violation of this ordinance and fines may be assessed to the commercial waste originator as well as the transporter.

(c) The transporter shall:

(1) Utilize an approved manifest for each location being serviced.

(2) Sign the transporter portion of the manifest and leave a copy of the manifest with the originator.

(3) Present the manifest to the disposal operator to complete and sign the disposal section, and shall leave one copy of the manifest with the disposal site operator.

(4) Send completed copy of the manifest to the originator with the signature of the disposal site operator within 10 days.

(5) Keep one copy of the completed manifest form demonstrating delivery to the disposal site operator for their records and shall maintain such records for a period of three years; except that the transporter manifest (or copy thereof) covering not less than the immediately preceding 10 day period for a particular tank truck shall be kept in the transporter's tank truck. All such records shall be available for inspection.

(6) Remove the entire contents of any commercial tank that is serviced and dispose of such contents, unmingled with hazardous wastes or septic wastes, only at a facility authorized to receive such waste.

(7) A transporter shall provide a copy of the commercial waste transporter permit for the tank truck to each disposal site where the transporter disposes of commercial wastes.

(d) Processing or disposal site operator shall:

(1) Maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.

(e) A manifest may not be required for under-sink or inline grease interceptors, if user can demonstrate to the city a valid reason not to use one.

### **Sec. 91-10. Transporter Responsibilities**

(a) By the Official Code of Georgia Law 12-15-21 and rules and regulations 391-3-6-.24, it shall be unlawful to engage in the transportation of liquid commercial trap waste in the county of the generator unless such person(s) has a valid FOG permit number issued by the Georgia EPD and a LGA.

(b) Transporters are to ensure that an approved manifest system is used to document the transportation of separators/grease trap contents.

(c) All transporters of grease trap/separator waste shall:

(1) Ensure all the contents or a separator /grease trap waste area removed as completely as mechanically possible.

(2) No decant or discharge waste removed will be allowed back into a trap or separator from which the waste was originally removed for the purpose of reducing the volume to be transported.

(3) Determine, before accepting a load of liquid trap waste for transportation, the nature of the material to ensure that his equipment is sufficient to properly handle the job without spillage.

(4) Only dispose of grease trap/interceptor and oil separator waste at sites approved by the state.

(5) Ensure the originator completely fills out and signs a manifest for each load documenting the date, type and volume of liquid trap waste handled.

Present a copy to the generator of the waste acknowledging receipt of the wastes.

(6) Ensure all manifests are completely filled out and signed by the Authorized Representative at the disposal facility in order to complete the manifest form. Then transmit the original to the generator in ten days.

#### **Sec. 91-11. Enforcement.**

##### **(a) Inspection and Entry.**

(1) The FOG inspector, after proper identification, shall be permitted to enter the premises of any originator, transporter, processor, or disposal site or food service establishment in the city at any reasonable time for the purpose of making inspections to determine compliance with this Ordinance or the commercial waste transporter permit.

(2) During inspections of the originator, transporter, processor, and the disposal site operator, the FOG inspector may review records to determine compliance with provisions of this Ordinance.

(3) All food service, maintenance, service facilities, and car washes will be inspected at least once per year. Inspections will be made on both an unscheduled and unannounced basis or on a scheduled basis.

(4) Inspections shall include all, equipment, used grease and oil bins, grease and oil collection tanks, food processing and storage areas and shall include a review of the processes that produce wastewater discharged from the facility through the grease interceptor/trap. The FOG inspector shall also inspect the interceptor/trap maintenance logbook and file, other pertinent data, the grease interceptor/trap and may check the level of the interceptor/trap contents and/or take samples as necessary. The FOG inspector shall record all observations in a written report. Any deficiencies shall be noted, including but not limited to:

a) Failure to properly maintain the grease interceptor or trap.

b) Failure to report changes in operations or wastewater constituents and characteristics.

c) Failure to maintain logs, files, records, or access for inspection or monitoring activities.

d) Any other inconsistency with the program that requires correction by the food service facility concerned.

e) Inability of existing grease interceptor or trap to prevent discharge of grease into the sanitary sewer system as evidenced by build-up grease down stream of the grease interceptor or trap.

(5) The right of inspection shall include the right to measure, observe, sample, test, record, review and make copies of all pertinent documents in accordance with this Ordinance.

(b) Monitoring

(1) The city may require the user to provide, operate and maintain, at the user's expense, appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times, for observation, inspection, sample collection and flow measurement of the user's discharge to the POTW.

(2) The city may impose additional limitations and monitoring requirements for the discharge to the POTW in accordance with the provisions set forth in this Ordinance.

(c) Violations

(1) Facility Management Practices.

a) Written Warning: The FOG inspector shall issue a written warning to a user for any one or more multiple violations as set forth below. The user shall have ten (10) working days to complete corrective action and submit evidence of compliance to the city. A written warning will be issued for failure to:

(i) Report pumping activities (manifest);

(ii) Maintain on site records at all times;

(iii) Maintain the pretreatment device/interceptor and associated components; or

(iv) Maintain inspection access

b) Notice of Violation: The FOG inspector shall re-inspect the user which received the written warning after the original inspection. FOG inspector shall inspect any repairs or other deficiencies. In the event that the user has returned to compliance with all of the deficiencies, the FOG inspector shall provide a written notice of compliance.

If the user has not taken the corrective actions specified, then the FOG inspector shall issue a Notice of Violation for failure to comply with the corrective action specified in the written warning. The user shall have ten (10) working days to complete the corrective action and submit evidence of compliance to the city. In the event of continued non-compliance, consecutive re-inspections will be scheduled and appropriate fees shall be charged.

c) Show Cause Hearing.

(i) When a user fails to initiate and/or complete corrective action within the specified time period in response to a Notice of Violation, the director shall notify the user by certified mail to the date, time and place of a hearing, the proposed enforcement action to suspend service, the reasons for such action, and a request that the user show cause why water and/or wastewater service should not be suspended immediately. The hearing date shall be within ten (10) working days of the date the notice is mailed.

(ii) The director shall preside as the hearing officer. Upon hearing, the director may suspend service immediately or he may extend an additional time up to fifteen (15) working days for the user to remedy the violation(s). The user shall have the right to appear at the hearing with or without an attorney, to introduce evidence, and to cross-examine the witnesses against them. If the user is not in compliance following the extension of time, then the director will suspend water and/or wastewater service immediately. The decision of the hearing officer shall be final, and it shall be submitted to the user in writing by certified mail.

(2) Interceptor Noncompliance.

a) Notice to Install: Upon inspection, if the FOG inspector determines a new facility does not have a pretreatment device/interceptor, or that an existing facility has a pretreatment interceptor that is not functioning properly to meet the pretreatment standards of this Ordinance, then the FOG inspector shall issue a Notice to Install an approved, properly

functioning pretreatment device/interceptor. The user shall have ninety (90) working days to come into compliance by installing such a device/interceptor,

b) Show Cause Hearing:

(i) If the violation specified in the Notice to Install is not remedied at the end of the ninety (90) day period, as shown by a second inspection, the director shall issue a second notice by certified mail, stating the date, place and time of a hearing, and to show cause why the water and/or wastewater service to the user should not be suspended immediately. The hearing date shall be within ten (10) working days of the date the notice is mailed.

(ii) The director shall preside as the hearing officer. Upon hearing, the director may suspend service immediately or he may extend an additional time up to thirty (30) working days for the user to remedy the violation(s). The user shall have the right to appear at the hearing with or without an attorney, to introduce evidence, and to cross-examine the witnesses against them. If the user is not in compliance following the extension of time, then the director will suspend the water and/or wastewater service immediately. The decision of the hearing officer shall be final, and it shall be submitted to the user in writing by certified mail.

(3) Emergency Suspension of Services.

a) The city may suspend water and/or wastewater service when, in the opinion of the city, an actual or threatened discharge may present an imminent or substantial endangerment to the health or welfare of persons or the environment, may cause sanitary sewer stoppages or overflows, damage to the sanitary sewer collection system, interference to the POTW, or cause a violation of any condition of a NPDES and/or LAS permit.

(4) Reinstatement Fees and Charges.

a) The user shall pay all outstanding city fees and other charges prior to, and associated with, restoration of water and/or wastewater services.

(5) Notwithstanding any other provisions of law, the city shall be authorized to impose a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation of the commercial waste handling or

pretreatment device/interceptor provisions of this Ordinance by any person, originator or transporter, pursuant to O.C.G.A. § 12-15-21(d), or such penalty amount as set forth in State law, as amended. For purposes of enforcing this civil penalty, municipal court shall have jurisdiction in cases of violations committed within the City to impose the civil penalty stated herein for each violation.

(d) Nothing in this Section shall be a bar against, or a prerequisite for, taking any other action against the user in a court of law for violating this Section.

PASSED AND ADOPTED this 14<sup>th</sup> day of January, 2014.

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Richard A. Bentley, Mayor

ATTEST:

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Bo Danuser, Clerk