

ORDINANCE NO. 665

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS, ADDING ARTICLE VI TO CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, REGULATING DISCHARGES OF WASTEWATER INTO THE CITY SEWER SYSTEM BY MOBILE FOOD UNITS (FOOD TRUCKS) AND ROADSIDE FOOD VENDORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY UP TO \$2,000 PER OCCURENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 26 of the Texas Water Code provides that it is unlawful for a person to discharge contaminated wastewater into a publicly owned treatment plant without the authorization of the owner of the plant; and

WHEREAS, the City Council of the City of West Columbia (the "City") finds and determines that it is necessary to protect the health, safety and welfare of its citizens by regulating and controlling discharges into its wastewater treatment plant via the City sewer system and to prohibit any connection to the potable water system that has a potential for contamination or pollution of the potable water system; and

WHEREAS, oil and grease is present in wastewaters generated by commercial establishments, including mobile food vendors; and

WHEREAS, grease traps are flow-through separation devices used to separate most oil and grease from wastewaters introduced into municipal sanitary sewer lines from these commercial establishments; and

WHEREAS, the City's wastewater treatment plants is capable of treating oil and grease constituents in wastewaters, provided the volume and concentrations of oil and grease present are not too great, and provided accumulation of oil and grease could cause problems for the City's wastewater treatment plant, which could eventually shut down the treatment plant; and

WHEREAS, the City's wastewater treatment plants discharge treated wastewaters into the waters of the state under the authority of discharge permits issued by the TCEQ, and the U.S. Environmental Protection Agency and such permits regulate the amount of oil and grease discharged into the waters of the state from publicly owned treatment plants; and

WHEREAS, the City Council of the City of West Columbia finds that it is in the best interest of the health, safety, and welfare of the citizens of the City of West Columbia to make the following amendments to Chapter 4 of the Code of Ordinances of the City of West Columbia;

NOW, THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS THAT:

Section 1. Chapter 4, "Buildings and Building Regulations," of the Code of Ordinances of the City of West Columbia, Texas, is hereby amended by adding Article VI, "Food Truck Wastewater Discharges," to read as follows:

“ARTICLE VI – FOOD TRUCK WASTEWATER DISCHARGES

Sec. 4-250. Definitions.

- (a) *Mobile food unit* has the meaning provided by the Texas Food Establishment Rules as adopted, and amended, under Chapter 437 of the Texas Health & Safety Code.
- (b) *Industrial waste, sewer system, to discharge* and *pollutant* have the meanings provided by Chapter 26 of the Texas Water Code.
- (c) *Wastewater* shall mean any non-potable water.

Sec. 4-251. Permit Required.

It shall be unlawful for any person to discharge wastewater from a mobile food unit into the City sewer system or water system without, or in violation of, a Food Truck Discharge Permit.

Sec. 4-252. Permit Application Requirements.

The following shall be provided on a form proscribed by the City Building Inspector in order for an application for a food truck discharge permit to be complete:

- (1) Copy of health department license to operate Mobile Food Unit;
- (2) Size of wastewater tank in gallons;
- (3) Name, address and phone number of owner;
- (4) Signed acknowledgment of Wastewater Discharge Rules; and
- (5) Annual Permit fee \$50.

Incomplete permit applications shall be denied.

Sec. 4-253. Permit Conditions.

Grease traps are required on all drains. Each Permit authorizes up to 100 gallons of wastewater disposal per day at First Capitol Park dump station, 1300 N. 13th St., West Columbia, Texas, the authorized discharge location within the City of West Columbia. The person discharging wastewater at this location shall be responsible for payment of fees at the current rates at the time of discharge. Wastewater shall not contain:

- (1) Fat, oil or grease in excess of 5%;
- (2) Pollutants or hazardous materials;
- (3) Industrial waste; or
- (4) Any other substances prohibited by local, state or federal law.

Sec. 4-254. Conflict with Other Laws.

Nothing in this Article is intended to conflict with or contradict any other local, state or federal law. In the event of a conflict between this Article and any other requirement of the City, the most stringent provision shall apply. The requirements of this Article are in addition to any other requirements applicable to wastewater discharge into the City sewer system. This Article is not

intended to regulate food service establishments in any manner not related to the protection of the City's water and sewer systems.

Section 2. Penalty. Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense. This penalty shall be in addition to any other remedy provided at law or equity. Notwithstanding the above, in the event a violation results in an imminent risk to human health, safety or welfare, the City may immediately discontinue water service to the subject facility without notice. Notwithstanding the right to immediately discontinue water service without notice, as described herein, the City will attempt to provide notice as is reasonably practical under the circumstances presented. The City will provide customer with necessary information to properly reinstate service.

Section 3. Publication and Effective Date. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

Section 4. Severability. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.


Section 5. Repeal. This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

PASSED, APPROVED AND ADOPTED this the 9th day of October, 2018.

APPROVED:


Laurie Kincannon
Mayor

ATTEST:


Kelli Kuban
City Secretary

CITY OF WEST COLUMBIA
FOOD TRUCK DISCHARGE PERMIT APPLICATION

FOOD TRUCK / BUSINESS NAME: _____

DBA, if applicable: _____

BUSINESS MAILING ADDRESS: _____

PHONE NUMBER: _____

NAME OF OWNER: _____

(FIRST) (MIDDLE) (LAST)

FOOD TRUCK LICENSE PLATE NUMBER _____

SIZE OF WASTEWATER TANK IN GALLONS? _____

WASTEWATER DISCHARGE RULES

A clean environment while serving food is good for your customers and your community. Waste water from your mobile food business must be disposed of properly to avoid clogging sewer lines or polluting the environment.

Do:

- Collect all wastewater from utensil washing in a screen-covered container.
- Discharge utensil washing wastewater to a drain that leads to an adequately sized and regularly cleaned grease trap.
- Collect used cooking grease in a closed container.
- Contact a grease recycling service or properly permitted recycling/disposal facility for the collection, recycling or disposal of used cooking grease.

Don't:

- Dispose of any wastewater on the ground, down any storm drain, or down any toilet.
- Dispose of wastewater into the City sewer system that has not gone through a grease trap.
- Dispose of any wastewater at a car wash or any other location not designated by your Food Truck Discharge Permit
- Dispose of utensil washing wastewater down any drain unless it goes to a grease trap.
- Dispose of any used cooking grease down any drain, even if it is connected to a grease trap. This waste must be recycled or disposed using facilities permitted to accept such waste.
- Break the law. Disregarding any of these prohibitions violates the City Code, with each violation of our code carrying a maximum penalty of \$2,000.00 per violation per day.

I agree on this _____ day of _____, 201____ that I have read these rules and will comply with them at all times within the City of West Columbia.

Name: (printed) _____ Signature: _____

For City Use Only:

Copy of current State or County Health Department License received? _____ Permit fee paid? _____
Approved? _____ Permit Expiration Date: _____ / _____ / _____