

**BOROUGH OF WELLSBORO
TIOGA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 720

AN ORDINANCE OF THE BOROUGH OF WELLSBORO, TIOGA COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF WELLSBORO CHAPTER 18, "SEWAGE AND SEWAGE DISPOSAL" BY ADOPTING A PART 8 ENTITLED "GREASE TRAPS AND OIL/WATER SEPARATORS" SETTING FORTH STANDARDS FOR DISCHARGES OF FAT, OIL, AND GREASE ("FOG") AND PETROLEUM UNTO THE BOROUGH OF WELLSBORO SANITARY SEWER SYSTEM LINES AND SETTING FORTH STANDARDS FOR THE INSTALLATION, MAINTENANCE, AND INSPECTION OF GREASE TRAPS AND OIL/WATER SEPARATORS WITHIN THE BOROUGH.

WHEREAS, the Borough of Wellsboro (the "Borough"), pursuant to 8 Pa.C.S.A. §1202(5), is empowered to provide for the health, safety, morals, general welfare, comfort and safety of the Borough; and

WHEREAS, the Borough operates and maintains a public sanitary sewer system; and

WHEREAS, pursuant to 8 Pa.C.S.A §2001(c), Borough Council, by ordinance, may make regulations respecting the use and maintenance of the sanitary sewer system and treatment works; and

WHEREAS, the Borough Council of the Borough of Wellsboro, Tioga County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to amend the Code of Ordinances of the Borough of Wellsboro (the "Code") relating to the public sanitary sewer system, in order to set forth standards for discharges of fat, oil, and grease ("FOG") and petroleum unto the Borough of Wellsboro sanitary sewer system lines and set forth standards for the installation, maintenance, and inspection of grease traps, grease interceptors, and oil/water separators within the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Wellsboro, Tioga County, Pennsylvania, as follows:

SECTION I. Recitals. The above recitals are incorporated herein by reference.

SECTION II. Addition to the Borough Code of Ordinances. The Code of the Borough of Wellsboro, Chapter 18, "Sewage and Sewage Disposal", is hereby amended to include a new part, Part 8, to be entitled "Grease Traps and Oil/Water Separators" and the contents thereof shall be as follows:

PART 8 – GREASE TRAPS AND OIL/WATER SEPARATORS

§ 18-801 Title.

The text of this article shall be known as the "Grease Trap and Oil/Water Separator Ordinance" for the Borough of Wellsboro.

§ 18-802 Definitions.

The following words and phrases, when used in this article, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

BOROUGH

The Borough of Wellsboro, Tioga County, Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, and the Mayor and Borough Council thereof, its agents and officials.

FATS, OIL & GREASE ("FOG")

Organic polar compounds derived from animal and/or plant sources. FOG may be referred to as "grease" or "greases" in this Ordinance.

FOOD PREPARATION FACILITY

Includes any food establishment in any building, room or place or any portion thereof or appurtenance thereto where human food, foodstuff or beverages is mixed, cooked or otherwise prepared, offered for sale, sold, served or given, with or without charge to patrons, customers or guests for consumption on the premises; including, among others, hotels, restaurants, cafes, cafeterias, clubs, boardinghouses, ice cream parlors, soda water or soft drink fountains and bars or taverns; any establishment where food, food products and beverages are manufactured, processed, packaged or bottled, or sold for consumption off the premises of the seller, including, among others, bakeries, beverage distributors, bottler, candy and confectionery manufactures, dairies, frozen food locker plants, wholesaler and retailers, and operators of vending machine services. Provided, however, that this does not include the mixing, cooking, or other preparation and serving of food in single family dwellings to the resident family or its guests.

GREASE INTERCEPTOR

A large tank located outside of a Food Preparation Facility or Restaurant that provides FOG control by separating and retaining wastewater FOG prior to wastewater entering into the Sewer System.

GREASE TRAP

Grease control equipment commonly identified as an "under the sink" trap, a small container with baffles, or a floor trap, located inside a Food Preparation Facility or Restaurant that provides FOG control by separating and retaining wastewater FOG prior to wastewater entering into the Sewer System.

OIL/WATER SEPARATOR

A device that treats wastewater by separating oil and petroleum from water and splitting each into their respective components for safe discharge.

PERSON

Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity, or his or its legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context. This definition includes all federal, state, and local governmental entities.

PROPERTY

Real property situate in the Borough of Wellsboro or served by the sewer system.

PROPERTY OWNER

Any person that owns property connected to the Borough of Wellsboro sewer system in the Borough of Wellsboro.

RESTAURANT

Includes any public eating place where regular meals are prepared, offered for sale, sold and served to patrons, customers or guests for compensation based on the price charged for and generally paid at the conclusion of each meal. The words "regular meals" as used herein means meals generally consisting of or courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverage and accompaniments, served at more or less regular intervals.

SANITARY SEWAGE

The normal water-carried domestic wastes from any improved property, but excluding effluent from septic tanks or cesspools; rain, snow or stormwater; groundwater; or other collected water from roofs, drains or basements.

SANITARY SEWER

A sewer designed and constructed primarily for carrying sanitary sewage or industrial wastes, not storm-, surface or ground waters.

SEWAGE

A combination of water-carried wastes from residences, business buildings, institutions and industrial and commercial establishments, together with such groundwater, surface water or stormwater as may be present.

SEWER

A pipe or conduit for conveying wastewater or stormwater.

SEWER SYSTEM

All sanitary sewers, all pumping stations, all force mains, all sewage works, and all other sewerage facilities owned, leased and operated by the Borough for the collection and/or transportation 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 serve one or more persons and discharge 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 facilities.

USER

Any person who contributes, causes or permits the discharge of wastewater into the sewer system.

§ 18-803 Limitation of FOG.

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

§ 18-804 Discharges in Excess of Limit.

The Borough may compel discontinuance of the use of the sewer system for discharge of such unacceptable FOG or petroleum, or require pretreatment and/or equalization of flow thereof and installation of grease traps, grease interceptors, or oil/water separators to prevent harmful or adverse effects upon the sewer system. The design, construction and operation of such pretreatment and/or flow-equalization facilities, grease traps, grease interceptors, and/or oil/water separators shall be at the sole expense of the property owner and/or person discharging said unacceptable FOG wastes or petroleum wastes in accordance with this article and shall be subject to the approval of the Borough and/or the Borough Engineer.

§ 18-805 Plumbing to be in Good Repair.

Every building or room occupied or used as a public eating place, restaurant, food preparation facility, or any facility requiring a grease trap, grease interceptor, and/or oil/water separator shall be well-drained. All sewage conveyance pipes or other plumbing fixtures shall be of adequate size to enable passage of any waste intended to pass through them to the main sewer system. All drains, sewers, sewer pipes, and traps shall, at all times, be kept in good repair.

§ 18-806 Installation of Grease Interceptors and Traps.

- A. Every building, room or space or part thereof used as a restaurant or food preparation facility 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 the Borough of Wellsboro or its designated representative or authorized agent in accordance with the standards set forth in the Borough of Wellsboro Grease Trap and Grease Interceptor Handbook (the "Handbook"). As required by and in accordance with the Handbook, an internal grease trap may be installed in certain existing structures used as restaurants and food preparation facilities. An external, underground grease interceptor must be installed in all new and existing structures or changes of use involving restaurants and food preparation facilities in accordance with the Handbook. 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 article.
- B. Said grease trap or grease interceptor shall be installed at an appropriate location in accordance with the requirements set forth in the Handbook. All new food preparation or food preparation facilities shall be required to install an exterior, underground grease interceptor that meets the standards set forth in the Handbook. In addition to the requirements set forth in the Handbook, all grease traps or interceptors shall be installed in accordance with all applicable laws, codes, policies, rules, and regulations, including, but not limited to, the Uniform Construction Code.

- C. In all existing restaurants or food preparation facilities, there shall be installed a grease interceptor or grease trap as detailed in the Handbook. In existing facilities where it is determined by the Borough or its authorized agent that a grease trap is not sufficient, the Borough may require that a grease interceptor be installed. All existing restaurants or food preparation facilities shall, at a change of ownership, alteration, or change in tenant, or change in licensed operator, install an exterior underground grease interceptor in accordance with the requirements set forth in the Handbook, and shall provide the Borough with all information the Borough deems necessary to keep appropriate records of such change in ownership, alteration, or change in tenant. In all existing structures, buildings or parts thereof in which there is a change of use or occupancy to that of a restaurant or food preparation facility there shall be installed a grease interceptor, in accordance with the requirements set forth in the Handbook.
- D. Waiver. A waiver of the requirement of this article may be permitted for new food establishments or for existing structures, buildings or parts thereof in which there is a change of use or occupancy to that of a restaurant or food preparation facility that do not generate a significant amount of grease or where the installation of a grease trap and/or interceptor is not feasible due to space constraints. In order to be considered for a waiver, the User must establish that it will not perform any significant preparation of food on the premises. The Borough shall require, in exchange for the waiver of a grease trap interceptor, that the commercial enterprise install and maintain an under sink grease trap that operates in accordance with the requirements set forth in the Handbook. The Borough may also authorize the installation of an indoor grease trap or alternative pretreatment technology if an establishment demonstrates that the installation of a grease interceptor is not feasible. Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. The Borough shall have the discretion to determine whether to issue or terminate a waiver in accordance with this subsection.

§ 18-807 Installation of Oil/Water Separators.

- A. An oil/water separator shall be installed in the drainage system of the following establishments:
1. Automobile service and repair facilities;
 2. Garages or establishments where vehicles are washed or gasoline stored;
 3. Dry cleaners using flammable solvents;
 4. Paint and varnish manufacturing plants;
 5. Printing ink plants;
 6. Cleaning fluid manufacturing plants;
 7. Testing laboratories;
 8. Any place of manufacture where volatile flammable liquid is used and which, by accident or otherwise, may be admitted into the sewer system;
 9. Any establishment where the Borough or the Borough Enforcement Officer determines a hazard may exist from the careless disposal of waste material containing oils, petroleum, fats, grease, and other heavy settleable solids and other flammable and deleterious materials.

- B. An oil/water separator shall consist of a single or multi-state interceptor specifically designed to separate oils, hydrocarbons, and/or petroleum from the wastes normally discharged and having suitable oil (hydrocarbon) storage for adequate containment between cleanings.
- C. The design, size, and capacity of oil/water separators shall be based on the expected amount of solids, wastes, oils, and/or petroleum to be retained and the frequency between anticipated changes as determined by the Borough.
- D. All oil/water separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. The separators shall be of substantial construction, water-tight, and equipped with easily removable covers. The separators' outlets shall be oversized or vented to prevent siphonage of tank contents.
- E. All drawings, sketches, catalogue information showing location, dimensional sizes, distances, construction materials and any other pertinent information as determined by the Borough, along with sizing calculations of all proposed separators, must be submitted to the Borough for its review and approval before any separator may be installed.

§ 18-808 General Requirements for Wastewater Discharges and Maintenance of Grease Interceptors, Grease Traps, and Oil/Water Separators.

- A. No User shall discharge any wastewater whose total content of fats, oils, waxes, and grease of mineral, petroleum, or unknown origin exceeds 100 mg/L downstream of the interceptor, trap, or separator at any time as shown by grab sample, or undergoes any form of phase separation due to temperature differentials which involve solid or viscous substances which could impair the sewer systems of the Borough. The Borough may reduce the above concentration where it is demonstrated that the concentration is causing chronic or adverse effects to the collections system.
- B. No User shall discharge or allow any discharges which settle or adhere to a collector pipe, causing a reduction of normal collector hydraulic capacity; obstruct flow; cause premature failure and/or loss of integrity of any component of collection and conveyances systems of the Borough; or prevent various equipment from functioning as intended. Such materials include but are not limited to: grease; garbage; or other bulk solids with particles greater than one half (1/2) inch in any dimension; guts or tissues; manure; bones; hair; hides or fleshing; entrails; whole blood; blood products; feathers; ashes; cinders; sand; spent lime; paint; stone or marble dust; metal; glass; straw; shavings; grass clippings; rags; spent grains; spent hops; waste paper; wood; rubber; plastics; gas; tar; asphalt residues; residues from refining or processing of fuel or lubrication oil; mud; glass or metal filing; polishing wastes; or any material which can be disposed of as solid waste.
- C. No grease-laden sources are permitted to be connected to sewer lines intended for grease interceptor service and under no circumstances shall water be added to any wastewater to dilute the wastewater concentration to acceptable levels.
- D. No User shall contribute any wastewater which causes a hazard to human life or creates a public nuisance to the wastewater system.

- E. All grease interceptors, grease traps, and oil/water separators shall be maintained and kept in good working order at all times. The interceptor, trap, or separator shall limit the amount of FOG and petroleum discharged into the public sewer system to levels not exceeding those permitted by the Borough and the Pennsylvania Department of Environmental Protection ("DEP").
- F. Upon approval by the Borough, a grease trap complying with the provisions of this ordinance must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal.
 - 1. Grease trap sizing and installation shall conform to all applicable laws, including, but not limited to, the Uniform Construction Code, and shall meet all requirements and standards as set forth in the Handbook.
 - 2. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. Accumulated grease can be disposed of by recycling, rendering, or land application. Under no circumstances should collected grease be introduced into any drainage piping or public or private sewers.
- G. It shall be the duty and responsibility of any owner, lessee or agent of any facility to, at a minimum of, monthly inspect the grease interceptor, grease trap, and/or oil/water separator. A written record shall be kept of all inspections. The inspection record shall, at a minimum, list the name (inspector and company), address, phone number of the inspection/disposal company, the method and frequency of cleaning schedule and the data of the cleaning/inspection. Such records shall be presented to the Borough upon request and the facility shall adhere to all record-keeping and inspection standards and policies as set forth in the Handbook. A more frequent cleaning/inspection schedule may be ordered by the Borough to be performed by the facility when it is determined by the Borough that the facility is discharging excessive amounts of FOG and/or petroleum wastes into the public sewer system.
- H. All owners, tenants, and/or licensed operators of a facility required under this Ordinance to install grease traps, grease interceptors, and/or oil/water separators shall be totally responsible for the maintenance, upkeep, repair, replacement and operation of said trap(s), interceptor(s), and separator(s) and shall keep the same in good operation and repair and shall be responsible or liable for any loss or damage occurring from any failure to operate, maintain, and replace when needed said trap(s), interceptor(s), and separator(s).

§ 18-809 Administrative Enforcement Procedures.

For violations not requiring emergency suspension, the Borough will commence enforcement procedures which may include: a verbal warning, a written Notice of Violation, a Second Notice of Violation, an Action Plan requirement, or Termination of Service. Generally, enforcement will follow the above-listed sequence; however, depending on the severity and duration of the violation, enforcement may begin at any step.

- A. For isolated violations that do not pose an immediate risk to the health, safety, or welfare of the public, the Borough may, at its discretion, give a verbal warning to the user advising the user of possible escalating enforcement for future non-compliance.
- B. Whenever the Borough finds that any user has violated or is violating any provision of this Ordinance or of a discharge permit other than in isolated incidents, the Borough may serve upon the user a written Notice of Violation. The Notice of Violation will state the nature of the violation and require a written response from the user to explain the reason for the violation, actions taken to mitigate the violations, and steps taken to prevent future similar violations.
- C. Continued non-compliance may result in the Borough serving upon the user a Second Notice of Violation. The Second Notice of Violation will reiterate the information in the original Notice of Violation, including any other findings of violation, and inform the user that, if the violations are not immediately corrected, the Borough intends to proceed with an Action Plan as denoted in subsection D of this Section and/or in accordance with the provisions of § 18-810 Penalties.
- D. When the Borough finds that a user continues to violate the provisions of this Ordinance, the user may be required to submit an Action Plan to permanently abate the violations. The Action Plan shall include a schedule of compliance outlining the specific time periods wherein the user will complete planning, commence construction, and complete construction of new or additional pretreatment technology that meets the standards, policies, and requirements of the Handbook, or design and implement improved management practices to regain compliance with this Ordinance or discharge permit.
- E. If the Borough finds that an Action Plan has not been submitted or implemented in the mandated time-period, the Borough may terminate water and/or wastewater service to the user's facility.

§ 18-810 Penalties.

In addition to the enforcement mechanisms set forth above, any person violating the provisions of this Ordinance shall, upon conviction by a district magistrate, be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) together with the costs of prosecution, and reasonable attorney fees. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

- A. **Cost Recovery.** In addition to the above fines, the property owner shall pay, or reimburse the Borough 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 property 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.

- B. Disconnection from Borough Sewer Lines ("Lines"). In addition to the foregoing penalty, the Borough may require the user to remove from the line the waste being discharged under a wastewater discharge permit, and should the user fail to remove the waste discharge from the Lines within five (5) days following written notice, the Borough may physically disconnect the sanitary sewer carrying such waste from the Lines, with the cost for such action being charged to the owner of the property which is connected to the Line.
- C. Separate Offenses. Nothing contained in the Section shall affect, in any way, the provisions of this Ordinance regarding separate offenses for each day any violation occurs.
- D. The Borough shall retain the right to pursue injunctive relief and such other equitable remedies as may be appropriate.

§ 18-811 Right of Entry

In the discharge of duties, the Borough or its authorized agents or representatives shall have the authority to enter, at any reasonable hour, any facility in the jurisdiction to inspect any grease trap, grease interceptor, and/or oil/water separator and to enforce the provisions of this article.

§ 18-812 Responsibilities of Owners of Improved Property.

The owner of each improved property connected to the wastewater system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this article and requirements.

§ 18-813 Administration.

The Borough Council of the Borough of Wellsboro authorizes the Borough Engineer or his agent to administer and enforce the provisions of this Ordinance on behalf of the Borough of Wellsboro.

§ 18-814 Waiver of Rights.

The failure of the Borough to insist upon strict performance of the provisions of this article or any of the terms and conditions thereof shall not be construed as a waiver of any of its rights hereunder.

SECTION III. Repealer. All provisions of previous Ordinances of the Borough, which are contrary to this Ordinance, are expressly repealed.

SECTION IV. Savings Clause. In all other respects, the Ordinances of the Borough shall remain as previously enacted and ordained.

SECTION V. Severability. The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

SECTION VI. Effective Date. This Ordinance shall become effective in accordance with law.

ENACTED, ORDAINED, AND APPROVED this 11th day of May, 2026,
by the Borough Council of the Borough of Wellsboro, Tioga County, Pennsylvania, in lawful session duly
assembled.

ATTEST

BOROUGH OF WELLSBORO
BOROUGH COUNCIL


Secretary

