

CHAPTER 23

NATICK BOARD OF HEALTH, NATICK, MASSACHUSETTS

RULES AND REGULATIONS FOR THE MAINTENANCE OF GREASE TRAPS AND REMOVAL OF GREASE FROM FOOD ESTABLISHMENTS

I AUTHORITY

The Natick Board of Health acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws and any amendments and additions thereto, and by any other power thereto enabling, has adopted the following rules and regulations during its regular meeting of February 18, 2003.

II PURPOSE

The purpose of these regulations is to protect the residents and business owners Within the Town of Natick from blockages of the Town's Sanitary Sewer caused by grease discharged from food establishments located in the Town.

III DEFINITIONS

Agent means any duly authorized agent of the Natick Board of Health as specified under MGL c. 111, sec. 30

Permitted Offal Hauler means any Offal Hauler which is issued a Permit To Haul Offal by the Natick Board of Health

Grease trap also referred to as a grease interceptor by the State Plumbing Code, is a device designed to remove Dissolved and/or suspended grease and waste oil from wastewater

Sewer pipe means any building or town sanitary sewer piping Including but not limited to interior and exterior building sanitary sewer piping, any main, or lateral sanitary sewer piping regardless of whether it is Located on private or municipal property

Waste grease or oil means waste oil or grease generated by a Food Service Establishment during the food preparation

or cooking process.

IV GENERAL PROVISIONS

A Grease trap installation

The Board of Health may at any time require the installation of a grease trap as it may deem necessary to maintain any building sewer pipe, any lateral sewer pipe, or sewer main pipe free from obstructions caused by grease or oil originating from a food establishment.

B Food establishment or related business

In every case where a food establishment is preparing or selling food, or in a case of another business in which grease is a by-product of production, a suitable internal or external grease trap in compliance with specifications on file with the Board of Health and conforming to applicable building and plumbing codes must be installed.

C New or remodeled food establishments or change of ownership

New or remodeled food establishments or food establishments with a change in ownership that prepare food and have a seating capacity of 100 seats or more must install an external grease trap.

D Sites with multiple food establishments

Any building, address or location that houses 2 or more food establishments, including establishments with less than 100 seats, may be required by the Board of Health to install an external grease trap.

E Grease trap size and installation specifications

External grease traps must have a minimum capacity of 1500 gallons and shall be sized in accordance with 310 CMR 15.203 Title 5 of the State Environmental Code. External grease traps shall be installed as set forth in 310 CMR 15.230.

F Grease trap maintenance

Internal grease traps must be cleaned at least monthly by the owner, operator or permitted Offal Hauler. External grease traps must be pumped by a permitted Offal Hauler no less frequently than every three months. Service records must be maintained in a binder readily accessible to Board of Health inspectors and agents.

G Waste grease and oil storage and removal

Waste grease and oil shall not be discharged into the sanitary sewer. All waste oil and grease must be collected in an appropriate container provided by an approved vendor, stored in an appropriate location on the premises. The container must be stored on an impervious surface such as concrete or asphalt. All waste grease and oil shall be removed by a Permitted Offal Hauler, and said material shall be removed from the premises at least monthly. All grease containers and surrounding areas must be kept in a clean and sanitary condition at all times while being stored.

V ENFORCEMENT AND INSPECTION

- A** The Board of Health shall enforce the provisions of these regulations. Any agent of the Board of Health may, according to law, enter upon any premises at any reasonable time to inspect for compliance.
- B** All records pertaining to purchasing, storage and removal of grease related products and waste grease and oil products shall be retained by the owner or operator on the premises for no less than two (2) years.
- C** Upon request by an agent of the Board of the Health, an owner or operator shall furnish all information required to enforce and monitor compliance with these regulations, including but not limited to, a complete inventory of all food and maintenance related products that are purchased by the establishment, receipts from the Permitted Offal Hauler retained to remove waste grease or oil from the establishment.
- D** The Board of Health may, after providing opportunity for a hearing, order the suspension or revocation of a Permit to Operate a Food Establishment, or the termination of one or more particular operations for:
 - a. Serious or repeated violations of this Regulation
 - b. Interference with the Board of Health in the performance of its duty

c. For keeping or submitting any misleading or false records or documents required by these Regulations.

VI VARIANCE

Any requests for a variance from the provisions of this Regulation must be presented in writing, the request should specify if the variance is being requested due to restrictions in the amount of available space and/or economic hardship. Variance requests regarding the size of a grease trap should be accompanied by kitchen flow calculations prepared by a Massachusetts licensed plumber supporting an alternate size.

VII HEARING

The person or persons to whom any order or notice issued pursuant to this Regulation has been directed, may request a hearing before the Board of Health. Such request must be in writing and shall be filed in the office of the Board of Health within ten (10) days of receipt of the order or notice.

VIII PENALTY.

- (a) Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

- (b) Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense; and \$300.00 for the fourth and each subsequent offense.
Each day on which a violation exists shall be deemed to be a separate offense.

IX SEVERABILITY

Each provision of this Regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

NATICK BOARD OF HEALTH

Peter DelliColli, D.M.D Chairman

Donald J. Breda, P.E.

Michael D. Bliss, J.D.

Adopted: February 25, 2003

Summary published in Natick Bulletin & Tab: March 14, 2003

NATICK BOARD OF HEALTH

ADOPTION OF STATE SANITARY CODE

AS

NATICK BOARD OF HEALTH REGULATIONS

WHEREAS the Massachusetts Department of Public Health under the authority of M.G.L. Chapter 111, section 127A, has adopted regulations known as the State Sanitary Code in order to regulate matters affecting the health and well-being of the public; and

WHEREAS responsibility for the enforcement of said Code is delegated to local health authorities in M.G.L. Chap. 111, § 127A;

NOW THEREFORE the Natick Board of Health, under the authority of M.G.L. Chapter 111, section 31, in order to provide for the more effective enforcement of the State Sanitary Code including, where deemed appropriate, the use of non-criminal disposition as a method of enforcement authorized by M.G.L. Chapter 40, section 21D, and pursuant to Town of Natick Bylaws, Article XVII, section 1b, hereby adopts by reference the following Chapters of said State Sanitary Code as local health regulations for the Town of Natick:

- Chapter I (105 CMR 400.000) Administrative Provisions.
- Chapter II (105 CMR 410.000) Minimum Standards of Fitness For Human Habitation
- Chapter IV (105 CMR 430.000) Sanitary Standards For Recreational Camps For Children
- Chapter V (105 CMR 435.000) Minimum Standards For Swimming Pools
- Chapter X (105 CMR 590.000) Minimum Sanitation Standards for Food Establishments

The above Chapters* of the State Sanitary Code are adopted as local health regulations inclusive of such amendments or modifications as may from time to time be adopted by the Massachusetts Department of Public Health.

Penalty.

(a) Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

(b) Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense; and

\$300.00 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

Adopted November 9, 1992.

These Regulations shall take effect on November 17, 1992.

*Copies available for review at the Natick Board of Health, 13 East Central Street, Natick, MA 01760.

BOARD OF HEALTH

Arthur C. Taddeo, Chairman

J. Cary Parsons, Vice Chairman

Anthony G. Capobianco, M.D.