

CHAPTER 10

FOOD AND FOOD ESTABLISHMENTS*

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ARTICLE I. IN GENERAL

Sections 10-1 --- 10-15. Reserved.

ARTICLE II. FOOD ESTABLISHMENTS

DIVISION 1. GENERALLY

Section 10-16. Definition.

A food establishment shall mean and include a buffet, lunchroom, lunch counter, restaurant, cafe, dining room or hotel, coffee shop, bakery, soda fountain, soft drink stand, grocery store, meat market, packing house, hamburger stand, ice cream wagon and every other public place where food is served, sold, given in exchange, given away or consumed on the premises, and all establishments where food or candy is prepared, stored or manufactured for use.

Source: Code 1969, §§ 16-12, 16-16

Section 10-17. Permit---Required.

Before any privilege license shall be issued for the operation of any food establishment, the person desiring the license shall obtain a permit from the County Department of Health, stating that the establishment where the applicant conducts such business, or proposes to conduct such business, meets the requirements of both the City Ordinances and the regulations of the State Board of Health. Such permit shall be upon one (1) place of business only, which shall be stated therein, and it shall not be assignable. Upon the presentation of said permit, the applicant may purchase a privilege license from the City Tax Collector as provided by law.

Source: Code 1969, § 16-13

State Law Reference --- License, where obtained, Miss. Code 1972, §27-17-451

Section 10-18. Same---Application.

Blank applications for a permit under this article shall be issued by the Department of Health.

***Cross References** --- Alcoholic beverages, Ch. 3; animals and fowl, Ch. 5; aviation, Ch. 6; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 9; property maintenance, Ch. 11; licenses and business regulations, Ch. 12; motor vehicles and traffic, Ch. 13; recreation, Ch. 17; sewers, Ch. 20; solid waste, Ch. 22; streets and sidewalks, Ch. 23; water, Ch. 25; zoning, App. A.

State Law references --- Local regulation and inspection of food, Miss. Code 1972, §75-29-101 et seq.; milk and milk products, §75-31-1 et seq.; meat and meat-food and poultry regulation and inspection, §75-33-1 et seq.; municipal regulation of health, Miss. Code 1972, §41-3-57.

Applications shall contain such information as shall be required by the County Department of Health and shall contain an agreement by the applicant to conform to the rules and regulations of the State Board of Health and Ordinances of the City relative to the conduct of such business.

Source: Code 1969, § 16-14

Section 10-19. Standards.

The County Department of Health is authorized to refuse to issue, or to revoke a permit, upon satisfactory proof that the place or equipment, or both do not meet the requirements of the State Board of Health regulations or the Ordinances of the City pertaining to the type of establishment.

Source: Code 1969, § 16-15

Section 10-20. Inspection.

Before any person may open for business any new food establishment, the building and equipment must first be inspected by a qualified representative of the County Health Department and approved as meeting all existing public health requirements pertaining to such establishments, and a permit must be issued.

Source: Code 1969, § 16-16

Sections 10-21. Outdoor Seating Arrangements

In order to increase occupant capacity and business volume, outside seating will be permitted by local restaurant businesses with the following guidelines:

Businesses are reminded that Citizen safety (business owner, patron, pedestrian and/or motorist) is paramount.

Businesses shall ensure their establishment is accessible and in compliance with the American with Disabilities Act.

Businesses shall maintain a minimum of 4' of unobstructed walkway for pedestrian traffic

Businesses shall be restricted to the sidewalk immediately adjacent to the abutting private property.

Businesses shall not exceed 1/3 use of available parking spaces if using an existing parking lot.

Businesses are reminded in the event of a fire or other emergency temporary seating must not block any fire apparatus or first responder's movement to the scene.

Businesses shall not be located on a major thoroughfare.

Businesses shall not block traffic altogether but may cause vehicular traffic to be reduced to one lane.

Businesses shall provide signage not less than 100' from seating arrangement to notify motorists.

Businesses shall ensure that the use of any large umbrella does not obscure oncoming traffic from a distance of more than 100' to ensure that no blind spots are created to on-coming traffic.

Businesses shall ensure any and all seating arrangements are temporary and movable in design

Businesses shall remove all temporary seating equipment at the close of business day.

Businesses shall maintain waste baskets and ensure any trash or food products are removed throughout the time that seating is expanded and removed.

Source: Ordinance No. 1698-2020, 7-7-2020

Sections 10-22 --- 10-30. Reserved.

DIVISION 2. EMPLOYEE HEALTH CERTIFICATE

Section 10-31 --- 10-33. Reserved.

Section 10-34. Yearly Physical Examination.

All workers in restaurants, sandwich shops, cafes, bakery shops, boarding houses serving six (6) or more boarders and all other places where food is sold or served without further preparation for human consumption shall be examined once yearly by the staff of the County Health Department in order to determine if such person is suffering from a communicable disease. This examination shall include such laboratory tests as the health officer may deem advisable and practical for the protection of the public health. If, in the opinion of the health officer, any such worker presents such signs or symptoms as to require further tests and examinations, such as X-ray films of the lungs and other tests not routinely done by the Health Department, the health officer shall require such worker to undergo such tests and examinations at the worker's own expense in order to establish the absence of any suspected communicable disease.

Source: Code 1969, § 16-28

**ARTICLE III. CONTROL PLAN FOR FATS, OILS, AND GREASE (FOG)
AND FOOD WASTE**

Section 10-40. Purpose

The purpose of this ordinance is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant from industrial or commercial establishments, particularly food preparation and serving facilities

SOURCE: Ordinance No. 1667-2017, §1, 9-19-2017

Section 10-41. Applicability and Prohibitions

- A. This Ordinance shall apply to all non-domestic users within the city limits of Laurel, Mississippi.
- B. Grease traps or grease interceptors shall not be required for residential users
- C. Facilities generating fats, oils or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any food stuff available for

consumption.

- D. No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the sewer system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.
- E. The following establishments shall be exempt:
 - 1. One that operates for a maximum duration of four (4) days in connection with an annual event, such as a fair, carnival, circus, public exhibition or other public gathering;
 - 2. One that sells or serves prepackaged or precooked foods that would require warming only or are served without additional processing or cooking in a manner in which washing is not required, so as not to introduce grease into the wastewater;
 - 3. One that serves only snow cones, drinks or ice cream products;
 - 4. Produce markets without food grinders;
 - 5. Grocery or convenience stores without food preparation, meat cutting or packaging, delicatessens, or bakeries; or
 - 6. Daycare centers which primarily serve microwave dishes, using single service items, served in a manner in which washing is not required, so as not to introduce grease into the wastewater.

SOURCE: Ordinance No. 1667-2017, §2, 9-19-2017

Section 10-42. Definitions

“Act” shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C 1251, et seq.

“BOD” (denoting Biochemical Oxygen Demand) shall mean the value of the 5-day test for Biochemical Oxygen Demand, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater”.

“COD” shall mean the value of the test for Chemical Oxygen Demand, as described in the latest edition of “Standard Methods for the Examination of Water & Wastewater”.

“City Plumbing Inspector” shall mean the person and/or persons authorized by the City Administration to conduct plumbing inspections on behalf of this ordinance

“EPA” shall mean the United States Environmental Protection Agency.

“Fats, oils and greases (FOG)” shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases”.

“Food” shall mean any substance, whether solid or liquid, and whether animal, vegetable, or fruit origin, intended to be used or commonly used as a food for human consumption.

“Food Establishment” shall mean any place where food is manufactured, packaged, produced, processed, prepared or served for commercial, public or facility resident consumption. These establishments primarily use one or more of the following preparation activities: cooking by frying (all methods), baking (all

methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. The term shall also include any such place regardless of whether there is a charge for the food. The term shall not include a private home where food is prepared for individual family consumption.

“Grease Trap” or grease interceptor shall mean a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and grease prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settle able solids generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. The terms grease trap and grease interceptor are used interchangeably for purposes of this Article.

“Indirect Discharge” or **“Discharge”** shall mean the introduction of pollutants into the city sewer system from any non-domestic source.

“Interference” shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the city sewer system, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city’s laws and/or regulations.

“Oil/Water separator” shall mean approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis so as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved.

“Person” shall mean an individual, or any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

“Sanitary Sewer” shall mean a system of pipes, conduit, and treatment facilities owned or operated by the City which collect, transport and treat sanitary sewage, and to which storm, surface, and ground waters are not intentionally or normally admitted.

“User” shall mean any person or establishment including those located outside the jurisdictional limits of the City who contributes causes, or permits the contribution or discharge of wastewater into the City’s wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

SOURCE: Ordinance No. 1667-2017, §3, 9-19-2017

Section 10-43. Control Plan for FOG (Fats, Oil, and Grease) and Food Waste

- A. Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.
- B. Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

SOURCE: Ordinance No. 1667-2017, §4, 9-19-2017

Section 10-44. General Criteria

- A. Installation requirements: All existing, proposed, or newly remodeled Food Service Facilities inside the City of Laurel, Mississippi, wastewater service area shall be required to install, at the user's expense, an approved, properly operated and maintained grease trap.
- A. Sanitary sewer flows: Sanitary sewer flows from toilets, urinals lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.
- B. Floor drains: Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.
- D. Garbage grinders/disposals: It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal issued it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.
- E. Dishwasher: Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool grease to solidify and float to the top of the trap.
- F. Location: Grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the City Plumbing Inspector.
- G. Pass Through Limits: No user shall allow wastewater discharge concentration from grease trap to exceed 100MGPL (milligrams per liter) as identified by EPA method 413.
- H. A minimum 12' X 12" dumpster pad with 6" (six inches) curb sloped to 3" (three inches) drain, slick finished, for garbage and grease receptacle is required. Both hot and cold water is required at the dumpster pad. The drain for the dumpster pad shall be routed through the required grease trap. These dumpsters must be maintained as to prevent obnoxious odors and the infestations of flies and larvae.
- I. A 3-compartment sink with drain board on each side is required. Individual compartments must be protected from the possibility of cross contamination.
- J. A hand washing sink and floor mounted mop sink are required for FOG establishments.
- K. Food service operations that involve frying, grilling, baking, or barbecuing or any other operation that produces considerable amounts of grease require suppression hoods per the International Mechanical Code, 2012 Edition as adopted and amended accordingly by the city administration.
- L. Positive air pressure flow must be provided in the seating areas of the FOG establishments per the International Mechanical Code, 2012 Edition as adopted and amended accordingly by the city administration.
- M. All food service operations shall conform to the applications for special and indirect wastes per the International Plumbing Code, 2012 Edition as adopted and amended accordingly by the city administration.
- N. All facilities shall comply with the bathroom facilities per the International Building Code, 2012 Edition as adopted and amended. These facilities will also be required to meet A.D.A. accessibility for restrooms, parking, and other accessibility.
- O. The number of parking spaces are determined per zoning requirements.

Section 10-45. Design Criteria

- A. Construction: Grease traps shall be constructed in accordance with the City of Laurel, Mississippi standards and shall have a minimum of two compartments with fittings designed for grease retention.
- B. Access: Access to grease traps shall be available at all times for their maintenance and inspection. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
- C. Load-Bearing Capacity: In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: vehicular traffic in driving and parking areas)
- D. Inlet and Outlet Piping: Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.
- E. Grease Trap Sizing: The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gallons nor exceed a capacity of 3,000 gallons. If the calculated capacity exceeds 3,000 gallons, multiple units plumbed in series shall be installed. Concrete preferred

SOURCE: Ordinance No. 1667-2017, §6, 9-19-2017

Section 10-46. Grease Trap Maintenance

- A. Cleaning/Pumping: The user at the user's expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the city's Pass Through Limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, of the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at the user's expense.
- B. Cleaning/Pumping Frequency: The grease trap must be pumped out completely a minimum of once every four (45) months, or more frequently, to prevent carry over of grease into the city's sanitary sewer system.
- C. Disposal: All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the city's sanitary sewer collection system. All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.
- D. A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the City Plumbing Inspector and/or his/her representative upon request.
- E. Submittal of Records: Each user shall submit all cleaning maintenance records to the City of Laurel Water Department. The maintenance records shall include the following

information:

1. Facility name, address, contact person, and phone number;
2. Company name, address, phone number and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
3. Types of maintenance performed
4. Dates maintenance was performed
5. Date of next scheduled maintenance
6. Copies of manifests

The City of Laurel Water Department and/or City Plumbing Inspector will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification the user shall be required to perform the maintenance and provide records of said maintenance within 14 calendar days. Upon inspection the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

SOURCE: Ordinance No. 1667-2017, §7, 9-19-2017

Section 10-47. Enforcement

- A. Representatives of the City of Laurel, Mississippi may sample a user's facility at any time. It shall be unlawful for a user to refuse to allow the City Plumbing Inspector and/or his/her designee to enter the user's premises during business hours to determine whether the user is complying with all the use requirements of this Article. A user shall allow the City Plumbing Inspector and/or his/her designee to all parts of the premises for the performance of all other duties. If the results of the sampling indicate that the grease trap is not in compliance with this Ordinance, or if the user has not timely submitted a manifest or other report as required by this Ordinance, the user shall be required to pay for the sampling done under this section.
- B. Except as provided herein, for a period of one year following adoption of this Ordinance, although grease traps shall be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on grease discharges from the facility. If, during this one year period, an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s) the City of Laurel, Mississippi shall take appropriate enforcement action.

SOURCE: Ordinance No. 1667-2017, §8, 9-19-2017

Section 10-48 Penalties

- A. Any person who fails to comply with any provision of this article shall be fined in an amount not to exceed the maximum allowed by city regulation for each offense. A violation of any provision under the authority of this article shall constitute a violation of this article. Each violation shall constitute a separate offense.
- B. Any person found by the Court to be in violation of said Ordinance and who has received a Municipal Offense Ticket for a violation of said Ordinance,

or if any person receiving said Ticket fails to appear in said Court, or otherwise settle the matter prior to the date stated on the Municipal Offense Ticket, pursuant to the provisions of this Ordinance, shall be guilty of a misdemeanor. Any person found guilty of a violation shall be punished, in the discretion of the Court, either under the terms of said Ordinance or by a fine of not more than \$1,000.00 or by imprisonment in the City or County jail for a period not to exceed one (1) year, or by some community service as may be ordered by the Court or by a combination of either a fine, imprisonment and/or community service, at the sole discretion of the Court, unless otherwise prohibited by State law. The Court may escalate the punishment of those found guilty of repeat of subsequent violation of the same law.

SOURCE: Ordinance No. 1667-2017, §9, 9-19-2017

Section 10-49. Conflicting Code Sections And Ordinances

Where there appears to be a conflict between the terms of this Ordinance and the other laws to be enforced by the municipality the Court shall have the discretion of applying the most appropriate remedy to the violation charged.

SOURCE: Ordinance No. 1667-2017, §10, 9-19-2017

Section 10-50. Severability

If any article, section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each article, section, sentence, clause, or phrase thereof irrespective of the fact that one or more articles, sections, sentences, clauses or phrases be declared invalid or unconstitutional.

SOURCE: Ordinance No. 1667-2017, §11, 9-19-2017

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