

# TOWN OF WYTHEVILLE

COUNCIL-MANAGER FORM OF GOVERNMENT SINCE 1924

## TOWN COUNCIL

MAYOR  
BETH A. TAYLOR

VICE-MAYOR  
CATHY D. PATTISON

COUNCIL MEMBERS  
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GARY L. GILLMAN  
CANDICE N. JOHNSON



*Wytheville...there's only one!*

P.O. BOX 533  
150 EAST MONROE STREET  
WYTHEVILLE, VIRGINIA 24382-0533  
TELEPHONE (276) 223-3333  
WWW.WYTHEVILLE.ORG

TOWN MANAGER  
T. BRIAN FREEMAN  
(276) 223-3450

ASSISTANT TOWN MANAGER  
ELAINE R. HOLETON, AICP  
(276) 223-3352

TOWN TREASURER  
MICHAEL G. STEPHENS, MGT  
(276) 223-3333

CLERK OF COUNCIL  
SHERRY G. CORVIN, CMC  
(276) 223-3349

## Business Owners/Managers

### Fats Oil and Grease Pumping

#### To Whom It May Concern

In accordance with provisions of **Ordinance No. 1094, An Ordinance Implementing A Fats, Oil and Grease (FOG) Interceptor Maintenance and Permitting Program for the Town of Wytheville**, adopted June 8, 1998, or as amended, and other lawful standards and regulations promulgated and adopted by the Town, it has been decided that all businesses, which require the use of a grease interceptor, be permitted.

The requirements of this ordinance are outlined in the pages that follow. In short, this ordinance requires all businesses that operate an in-ground grease interceptor to have them pumped monthly by a qualified professional service and a record of this service sent to the Pretreatment Administrator for the Town of Wytheville by the Fifteenth of every month. Under the sink interceptors are to be cleaned daily, a record of this cleaning is to be posted on the wall of the kitchen in plain view and readily available upon request by a Town Inspector.

The contact information for the Pretreatment Administrator is as follows:

Scottie Davis

P.O. Box 533

Wytheville, VA 24382

Phone # 276- 223-3460, Email: [scottie.davis@wytheville.org](mailto:scottie.davis@wytheville.org)

Sincerely,

Sec. 16-291. - Purpose.

- (a) Fats, oils, and greases (FOG) are problem substances in wastewater that can be effectively controlled by properly maintained interceptors. Correct grease interceptor maintenance will lower the high number of grease stoppages in the Town of Wytheville collection system.
- (b) Past town regulations required that grease and oil interceptors be installed at retail establishments but there were no requirements for maintaining these interceptors. The frequent grease stoppages in the Town of Wytheville sewerage system indicate many grease traps are not properly maintained. The town now requires that all food service operations be permitted and maintain a properly sized grease and oil interceptor to keep excess oil and grease out of the sanitary sewerage system. Preventing FOG from entering the sewerage system not only reduces sewer line maintenance but also benefits the wastewater treatment plant. The plant's microbiological treatment processes more effectively remove pollutants when not inhibited by high oil and grease concentrations. Oil and grease itself is difficult for plant microorganisms to digest and, therefore, is only partially removed from wastewater. FOG contributes significantly to the sometimes uncontrollable foaming problems experienced at the plant. Grease buildups are also treatment plant and lift station maintenance problems.

(Code 1987, § 16-291; Ord. No. 1094, 6-8-1998; Ord. No. 1387, 8-10-2020)

Sec. 16-292. - Compliance.

All facilities preparing, processing, or serving food and/or food products must comply. Also included are all industrial or commercial establishments discharging liquid wastes with fat, oil and/or grease, and flammable wastes in excess of 200 mg/l. There is no grandfather clause.

(Code 1987, § 16-292; Ord. No. 1094, 6-8-1998; Ord. No. 1387, 8-10-2020)

Sec. 16-293. - Discharge permit; interceptor size.

- (a) A facility meeting the above criteria must possess a discharge permit and maintain a properly sized oil and grease interceptor.
- (b) An oil and grease interceptor already in place must be properly sized. Otherwise, the interceptor must be replaced or improved to meet the town's requirements. The Town of Wytheville Pretreatment Program Coordinator or the town's building official will determine by an inspection if the existing interceptor is properly sized.
- (c) An existing facility without a grease interceptor must contact the town building official and/or the pretreatment coordinator to determine the proper size interceptor for the facility and then install an approved interceptor. All applicable local plumbing and construction codes should be followed during interceptor installation.

(Code 1987, § 16-293; Ord. No. 1094, 6-8-1994; Ord. No. 1387, 8-10-2020)

Sec. 16-294. - Maintenance of interceptor.

- (a) A facility must clean the interceptor completely as needed or a minimum of once every 30 days for in-ground interceptors. Under the sink interceptors must be cleaned daily. The town may require more frequent cleaning if conditions warrant.
- (b) A facility must keep interceptor cleaning records on file that indicate the owner or manager of the facility and the name of the firm performing the clean out. These records must be on the premises and readily available for inspection. Also, these records are to be submitted to the pretreatment coordinator on a monthly basis on the form that is provided by the town.
- (c) Emulsifier use is prohibited since emulsifiers will seriously reduce interceptor efficiency.
- (d) Hot water flushing to clear the interceptor is prohibited.

(Code 1987, § 16-294; Ord. No. 1094, 6-8-1998; Ord. No. 1387, 8-10-2020)

Sec. 16-295. - Grease interception specifications.

The following oil and grease interceptor criteria shall be met:

- (1) Design criteria is available from the Town of Wytheville Building Inspection Department. All local plumbing and construction codes should be followed during interceptor installation.
- (2) All facilities meeting the criteria must comply with these regulations. The Town of Wytheville Pretreatment Department will conduct inspections to assure compliance. For further information, contact the pretreatment coordinator.

(Code 1987, § 16-295; Ord. No. 1094, 6-8-1998; Ord. No. 1387, 8-10-2020)

**Part I.****Discharge Limitations:**

There shall be no discharge of floating oil/grease (mineral or animal), gasoline, cleaning solvents or any petroleum products, or any toxic pollutants. Oil and grease concentrations shall not exceed 200 mg/l in discharge.

Wastes removed from grease interceptors shall not be discharged into the publicly owned sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes. All such interceptors shall be serviced and emptied of the waste content as required for their efficient operation, but not less often than every thirty (30) days for in-ground traps, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the publicly owned sanitary sewer. Under-the-sink interceptors must be cleaned daily. The Town may require more frequent cleaning if conditions warrant. Failure to comply can result in the implementation of the enforcement procedures in Section 12 of the Sewer Use Ordinance.

**Monitoring Requirements:**

To assure that none of the pollutants mentioned above enters the Town's sanitary sewer system, \_\_\_\_\_ must:

1. Implement and maintain an oil and grease interceptor.
2. A facility must keep interceptor cleaning records on file a minimum of three (3) years. The following information must be maintained and sent to the Pretreatment Administrator on a monthly basis: a receipt for the job performed signed by the contractor, the name of the firm performing the clean out, the clean out date, the signature of the owner or manager or his/her designee of the facility, the disposal method, and the destination of the material removed.

**Part II.****General Conditions:****A. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Town Code and is grounds for possible enforcement action. The permittee shall comply with the general prohibitive standards in 40 CFR 403.5 (a) and (b) of the Federal Pretreatment Regulations.

B. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible, all control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this provided for and in accordance with the requirements set forth by this permit.

C. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutants from such materials from entering the sewer system.

D. Right of Entry

The permittee shall allow the staff of the Town of Wytheville and their authorized representatives upon presentation of credentials:

1. To enter upon the permittee's premises where a real or potential discharge is located or in which records are required to be kept under the terms and conditions of this permit; and,
2. At reasonable times to have access to and copy records required to be kept under the terms and conditions of this permit, to inspect any monitoring equipment or monitoring method required in this permit, and to sample any discharge of pollutants.

E. Availability of Records

Except for the data determined to be confidential under the Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the Town of Wytheville as required by the Code. Effluent data shall not be considered confidential.

F. Transferability

This wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation.

G. Duty to Provide Information

The permittee shall furnish to the Pretreatment Administrator or his designee, within a reasonable time, any information which the Pretreatment Administrator, or his designee, may request to determine whether cause exists for modifying, revoking and reissuing or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish, upon request, copies of records to be kept by this permit.

H. Penalties for Violations of Permit Conditions

Any person who is found to have violated or failed to comply with any provision of the Town of Wytheville Sewer Use Ordinance and/or this permit is subject to civil and criminal penalties as provided in the Town of Wytheville Sewer Use Ordinance.

I. Permit Modifications, Revocation, Termination

This permit shall be modified, revoked and reissued, or terminated with cause in accordance to the requirements of the Town of Wytheville Sewer Use Ordinance.

**Part III.**

The following forms are attached as follows:

- Attachment A: Facility Information Sheet
- Attachment B: Grease Interceptor Inspection Form
- Attachment C: Monthly Cleaning Record
- Attachment D: Yearly Maintenance Record

**FACILITY INFORMATION**

FACILITY NAME: \_\_\_\_\_

FACILITY ADDRESS: \_\_\_\_\_

Wytheville, VA 24382

FACILITY PHONE NUMBER: \_\_\_\_\_

REPORTING MONTH AND YEAR: \_\_\_\_\_

RECEIPT OF JOB PERFORMED SIGNED BY CONTRACTOR: \_\_\_\_\_

CLEAN OUT DATE: \_\_\_\_\_

OWNER OR MANAGER OF THE FACILITY: \_\_\_\_\_

NAME OF FIRM PERFORMING THE CLEAN OUT: \_\_\_\_\_

DISPOSAL METHOD: \_\_\_\_\_

DESTINATION OF MATERIAL REMOVED: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

This will be presented to your business in a booklet form and will be sent to the Pretreatment Administrator on a monthly basis.

**ATTACHMENT A**

**GREASE INTERCEPTOR INSPECTION FORM**

Company: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

Location: \_\_\_\_\_ Inspector: \_\_\_\_\_

Type of Interceptor:	Under-sink _____ _____ Manual _____ Automatic	In-ground _____
Size of Interceptor:	_____ lbs.	_____ Gallons Grease _____ inches Solids _____ inches

Firm contracted to pump grease trap(s): \_\_\_\_\_

Individual responsible for manual cleaning: \_\_\_\_\_

Date of last servicing: \_\_\_\_\_

Records being kept: \_\_\_\_\_

Comments: \_\_\_\_\_

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**ATTACHMENT B**



**MONTHLY CLEANING RECORD OF GREASE INTERCEPTOR**

\_\_\_\_\_  
 (Business Name)

Month of \_\_\_\_\_

Please complete the date, time and signature of owner/manager for your business for cleaning:

<b>DATE</b>	<b>TIME</b>	<b>SIGNATURE</b>
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**ATTACHMENT C**

**TOWN OF WYTHEVILLE  
OIL AND GREASE TRAP INTERCEPTOR**

**YEARLY MAINTENANCE RECORD**

**PERMIT NO. \_\_\_\_\_**

Name of business: \_\_\_\_\_

Name of firm contracted to pump grease trap(s):

\_\_\_\_\_

Firm's approved waste disposal site(s):

1. \_\_\_\_\_

2. \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Date Pumped

Signature of Observing Manager/Owner

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THESE RECORDS MUST BE MAINTAINED AND AVAILABLE FOR THREE (3) YEARS.

**ATTACHMENT D**

**Sec. 16-266. Water supply severance.**

Whenever a user has violated or continues to violate any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(Ord. No. 1014, 2-27-95)

**Sec. 16-267. Public nuisances.**

A violation of any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the town manager. Any person(s) creating a public nuisance shall be subject to the provisions of section 9-19 of the Town Code of the Town of Wytheville, Virginia, governing such nuisances, including reimbursing the town for any costs incurred in removing, abating, or remedying said nuisance.

(Ord. No. 1014, 2-27-95)

**Secs. 16-268, 16-269. Reserved.***Subdivision 13. Affirmative Defenses to Discharge Violations***Sec. 16-270. Upset.**

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c) are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
- (3) The user has submitted the following information to the town manager within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
  - a. A description of the indirect discharge and cause of noncompliance;

**Sec. 9-19. Nuisances.**

It shall be unlawful for any person to create or maintain within the town anything which is deemed a nuisance under the common law or the statutes of the state. The punishment for each violation of this section shall be as provided in section 1-7, and the court may, in addition to such punishment, order the nuisance to be abated or removed, prescribing the time within which such order shall be executed. Should the nuisance be not abated or removed in accordance with the court's order, the offending person shall be guilty of a separate offense for each day that such nuisance shall thereafter continue, and the court may cause such nuisance to be abated or removed at the cost of the offending person, such cost to be recovered as taxes are collected.

(Code 1967, § 11-18)

**Charter reference**—Powers of town as to nuisance, § 9(19).

**State law references**—Effect of common law, Code of Virginia, § 1-10; power of town to cause any nuisance to be abated, Code of Virginia, §§ 15.1-14, 15.1-867; nuisances generally, Code of Virginia, Title 48.

**Sec. 9-20. Obstructing justice by threats or force.**

No person shall, by threats, or force, knowingly attempt to intimidate or impede a judge, magistrate, justice, juror, witness, or any law enforcement officer, lawfully engaged in his duties as such, or obstruct or impede the administration of justice in any court.

If any person without just cause knowingly obstructs any law enforcement officer in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such law enforcement officer, he shall be guilty of an offense punishable by confinement in jail for not more than six (6) months and a fine of not more than one thousand dollars (\$1,000.00), either or both.

(Code 1967, § 11-19; Ord. No. 1088, 11-10-97)

**Cross reference**—Police, Ch. 11.

**State law reference**—Similar provisions, Code of Virginia, § 18.2-460.

**Sec. 9-21. Poolrooms, billiard rooms, etc.**

(a) It shall be unlawful for any person to operate a poolroom or billiard room or to operate an amusement center or arcade principally utilizing coin-operated machines of any kind or character, except on the ground floor of a building, at street level, and the building in question shall have windows of sufficient size and be free of obstructions so that the interior of such place of business may be readily observed from the sidewalk or street.

(b) A poolroom or billiard room, amusement center or arcade principally utilizing coin-operated machines of any kind or character may not be operated or conducted, and a license may not be issued unless a permit therefore has been issued by the town manager. Any person desiring a permit shall file an application therefor and furnish such information as the town manager may require. The decision of the town manager may be appealed by any aggrieved party to the town council who may uphold, reverse or modify the decision thereof.

(Code 1967, § 11-20; Ord. No. 929, 7-10-89)

*Town:* The words "the town" shall mean the Town of Wytheville in the State of Virginia.

*Written or in writing:* These shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

*Year:* The word "year" shall be construed to mean a calendar year; and the word "year" alone shall be equivalent to the expression "year of our Lord."

(Code 1967, § 1-2)

**State law references**—Common law, statutes and rules of construction, Code of Virginia, § 1-10 et seq.; when affirmation may be made, Code of Virginia, § 49-9.

### **Sec. 1-3. Provisions considered as continuations of existing ordinances.**

The provisions appearing in this Code, so far as they are the same as those of the Code of the Town of Wytheville, Virginia, of 1967, and the ordinances of the town adopted subsequent to the Code of the Town of Wytheville, Virginia, of 1967, and included herein, shall be considered as continuations thereof and not as new enactments.

(Code 1967, § 1-3)

### **Sec. 1-4. Severability.**

The provisions of this Code, or of any requirements adopted by reference in this Code, or the application thereof to any person or circumstances which are held invalid shall not affect the validity of other provisions or applications of this Code, or of any requirements adopted by reference in this Code which can be given effect without the invalid provisions or applications.

(Code 1967, § 1-4)

### **Sec. 1-5. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1967, § 1-5)

**State law reference**—Similar provisions, Code of Virginia, § 1-13.9.

### **Sec. 1-6. Repeal not to revive former ordinances.**

When an ordinance which has repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

(Code 1967, § 2-20)

**State law reference**—Repeal not to revive former law, Code of Virginia, § 1-17.

### **Sec. 1-7. Classification of and penalties for violations; continuing violations.**

(a) Whenever in this Code or in any ordinance or resolution of the town or rule or regulation or order promulgated by any officer or agency of the town, under authority duly vested

in him or it, any act is prohibited or is declared to be unlawful, a misdemeanor or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, a misdemeanor or an offense, and no specific class of misdemeanor or penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00), or by imprisonment for not more than twelve (12) months, or by both such fine and imprisonment, provided that such penalty shall not exceed the penalty prescribed by general law for a like offense.

(b) Whenever in this Code or any ordinance of the town or any rule or regulation promulgated by any officer or agency of the town, under authority duly invested in such officer or agency, it is provided that a violation of any provision thereof, shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:

- (1) *Class 1 misdemeanor*: By confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both.
- (2) *Class 2 misdemeanor*: By confinement in jail for not more than six (6) months and a fine of not more than one thousand dollars (\$1,000.00), either or both.
- (3) *Class 3 misdemeanor*: By a fine of not more than five hundred dollars (\$500.00).
- (4) *Class 4 misdemeanor*: By a fine of not more than two hundred fifty dollars (\$250.00).

(c) Except as otherwise provided, each day any violation of this Code or any such ordinance, rule, regulation or order continues shall constitute a separate offense.

(d) Wherever authorized by law, the penalties provided in this section shall apply to violations occurring inside or outside the corporate limits of the town.

(Code 1967, § 4-1; Ord. No. 985, 7-13-92; Ord. No. 994, 11-23-92)

**Charter reference**—Procedures authorized in enforcement of ordinances, § 2-a et seq.

**State law references**—General powers of council, Code of Virginia, § 15.1-13; enforcement of ordinances and regulations, Code of Virginia, § 15.1-901 et seq.; classification of criminal offenses and punishment therefor, Code of Virginia, § 18.2-8 et seq.

#### **Sec. 1-8. Original jurisdiction of offense against Code, etc.**

Except as may be otherwise provided by law, exclusive original jurisdiction for the trial of all violations of the provisions of this Code and other ordinances of the town shall reside in the general district court of the county.

(Code 1967, § 4-12)

**State law reference**—Criminal and traffic jurisdiction of general district courts, Code of Virginia, § 16.1-123.1.

#### **Sec. 1-9. Court costs.**

All court costs in cases tried under this Code or any other ordinance of the town shall be

or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars (\$2,500) per violation, per day, or imprisonment for not more than one (1) year, or both.

(d) In addition to proceeding under authority of the above subsections, the town is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of state statutes or other ordinances of the town against a person continuing prohibited discharge. The town manager shall be authorized to implement such other program and enforcement mechanisms as are consistent with regulatory guidelines and are deemed appropriate.

(Ord. No. 1014, 2-27-95)

**Sec. 16-262. Remedies nonexclusive.**

The remedies provided for in this division are not exclusive. The town manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the town manager may take other action against any user when the circumstances warrant. Further, the town manager is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 1014, 2-27-95)

**Secs. 16-263, 16-264. Reserved.**

*Subdivision 12. Supplemental Enforcement Action*

**Sec. 16-265. Financial assurance.**

The town manager may decline to reissue a wastewater discharge permit to any user who has failed to comply with any provision of this division, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. No. 1014, 2-27-95)