



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION STUDY SESSION
COMMISSION CHAMBERS
TUESDAY, NOVEMBER 17, 2020 7:00 P.M.

Welcome to your City Commission Study Session – Please turn off or silence all cell phones during the meeting

Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed on Channel 2 and via Facebook Live. The public is encouraged to view the meeting using one of those options. The Leavenworth City Commission meeting is open to the public with limited seating capacity. To mitigate the spread of COVID-19 face coverings and social distancing is REQUIRED to attend the meeting. To attend the meeting in person, email cwilliamson@firstcity.org no later than 4:00 pm on November 17 to reserve a seat. Seats are available on a first come first serve basis. If you are not attending the meeting but would like to submit questions on an agenda item to be read during discussion on that topic, email your comments or questions to cwilliamson@firstcity.org no later than 6:00 pm on November 17.

Study Session:

1. Semi-Annual Report - Leavenworth Public Library (pg. 2)
2. Semi-Annual Report – University of Saint Mary (pg. 3)
3. Semi-Annual Report – Convention & Visitors Bureau (pg. 4)
4. Review Proposed Changes Sewer and Grease Trap Maintenance (pg. 21)

**STUDY SESSION POLICY REPORT
SEMI-ANNUAL REVIEW
PRESENTED BY
LEAVENWORTH PUBLIC LIBRARY**

November 17, 2020

Library Director Matt Nojonen will provide the semi-annual update to the City Commission.

**STUDY SESSION POLICY REPORT
SEMI-ANNUAL REVIEW
PRESENTATION BY
UNIVERSITY OF SAINT MARY**

November 17, 2020

Sister Diane Steele, University of Saint Mary will provide a semi-annual review to the City Commission.

Policy Report
Leavenworth Convention and Visitors Bureau – Semi-Annual Report
November 17, 2020

Prepared By:

Reviewed By:

Reviewed By:



Kristi Lee
CVB Manager



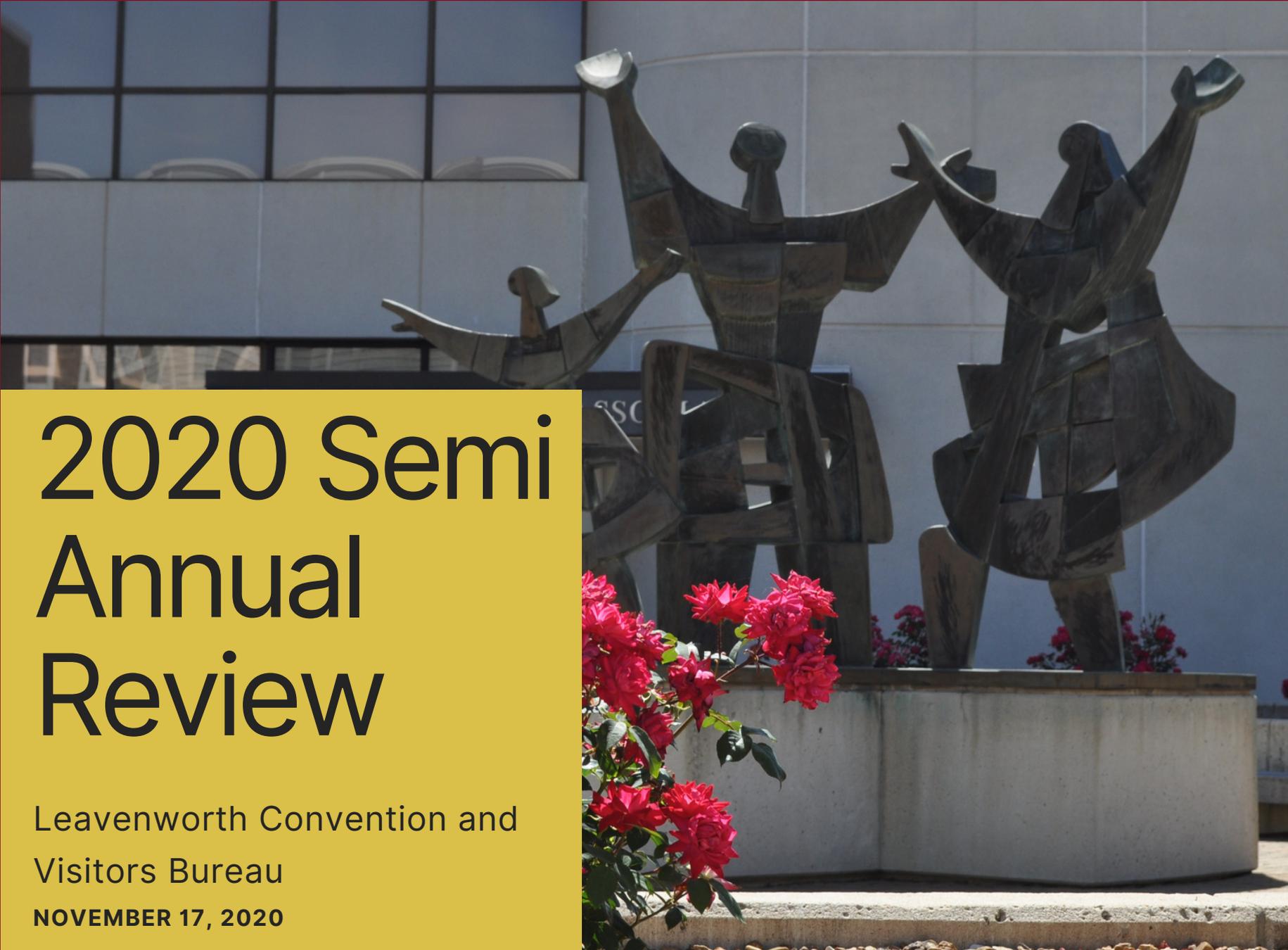
Taylour Tedder
Assistant City Manager



Paul Kramer
City Manager

BACKGROUND:

Leavenworth Convention and Visitors Bureau (CVB) Manager Kristi Lee will provide an update of activities and operations of the CVB.



2020 Semi Annual Review

Leavenworth Convention and
Visitors Bureau

NOVEMBER 17, 2020

Discussion

TRAVEL INDUSTRY UPDATE

National Travel Industry and the State of Kansas Travel Industry.

LEAVENWORTH UPDATE

Transient Guest Tax, Marketing update, Calendar, and Van wrap





National Travel Industry

1. COVID-19

Since the beginning of March, the pandemic has resulted in over \$424 billion in cumulative losses for the US travel economy. The continual depressed level of travel spending has caused a loss of \$54.5 billion in federal, state, and local tax revenue since March 1.

2. Trends

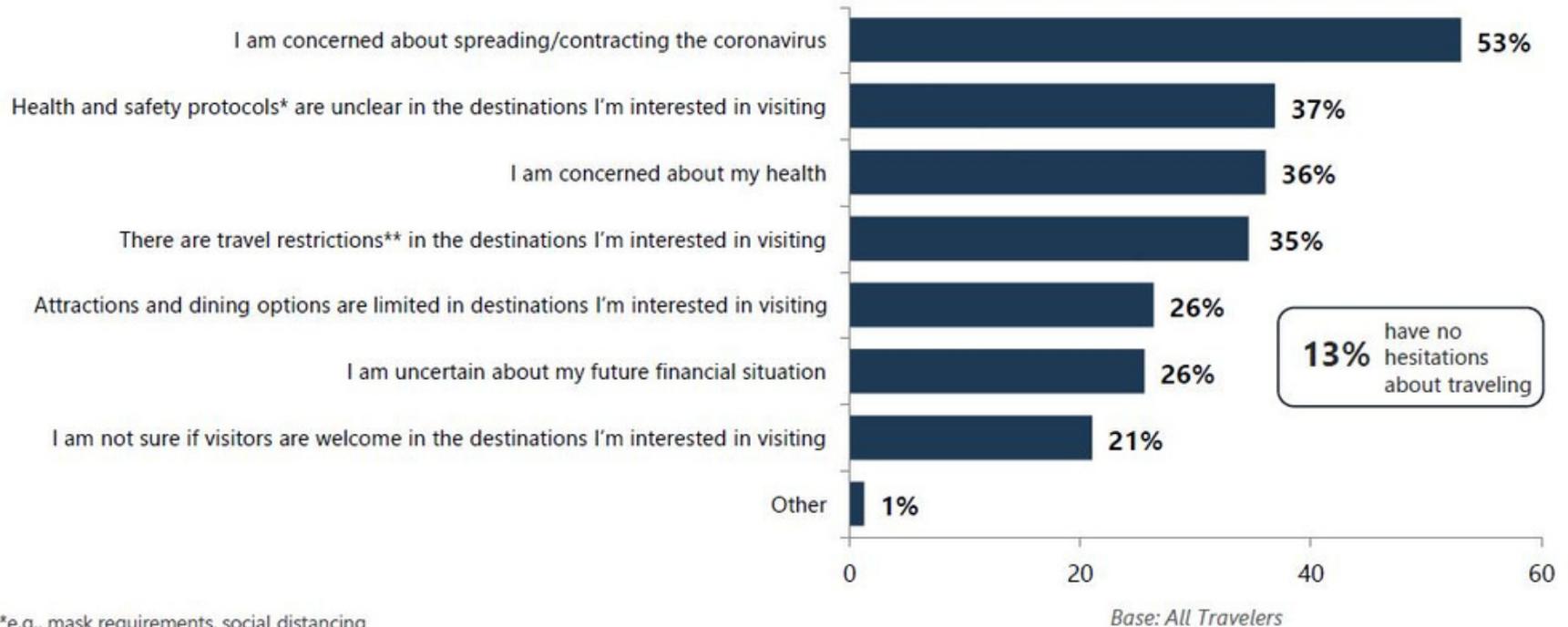
Air travel is increasing slightly however it is still 60% below 2019 levels. Road travel is just 11% lower than last years levels. Pessimism has increased as the number of cases have soared across most of the country and is expected to have a significant effect on the upcoming winter holiday travel season. 69% of Americans have a renewed appreciation for the outdoors and will be looking for things to do outside even in winter weather.

3. Meetings

In terms of convention and group meeting travel, 71% say they are unlikely to attend a convention until COVID is more under control. Most planners are targeting Q2 to began face-to-face meetings.

National Travel Industry

Factors Preventing Travelers From Taking a Trip



*e.g., mask requirements, social distancing

**e.g., travel quarantines

Travel Sentiment Study Wave 23

Longwoods INTERNATIONAL | miles PARTNERSHIP

The latest findings from Destination Analysts' Coronavirus Travel Sentiment Index Study indicate that in-person shopping is perceived as a relatively safe activity, with nearly half of Americans who consider it either "safe" or "very safe" (47.5%). Nevertheless, 8.4% state that they will shop for holiday gifts exclusively in-person, while 31.6% say they will only shop online for holiday gifts this year. When it comes to the absolutely necessary safety measures Americans require to feel comfortable shopping in a retail store, the top two are face masks required for all customers (68.8%) and staff (63.6%).

State of Kansas

The State has a new brand and tagline.
"To the Stars"



Kansas Tourism Conference was held virtual this year, Oct. 7, 14, 21, and 28th.

KDWPT is updating their website and it will debut in January.



In 2019 \$7.3 billion was spent by visitors to Kansas across a wide range of sectors.

Hotel Report

YTD OCC	YTD ADR	RevPAR
41.1 %	\$77.16	\$31.75
2019		
57.3 %	\$88.60	\$50.76

Leavenworth Updates



Discover... **Leavenworth** CONVENTION AND VISITOR

02

C.W. Parker Carousel Museum Carroll Mansion & Museum Buffalo Soldier Monument

.....

The "First City of Kansas"

Historic Attractions - 28 Block Downtown Shopping District - Festivals and Parades - Golfing and Parks and Trails - and so much more....

Download our Visitors Guidebook Today!

VisitLeavenworthKS.com

785-2948 email: cvb@firstcity.org

The First City of KANSAS 1858

03

LEAVENWORTH

Transient Guest Tax

01

REVENUE AND ROOM NIGHTS: JAN-SEPT 2020

\$5,869,311 55,142 RN

TGT COLLECTED

\$307,647.41 36,129 RN

(19,013 RN) Approx. 34.5% of RmNts sold were TGT exempt

OCCUPANCY

2020 56% 2019 67%

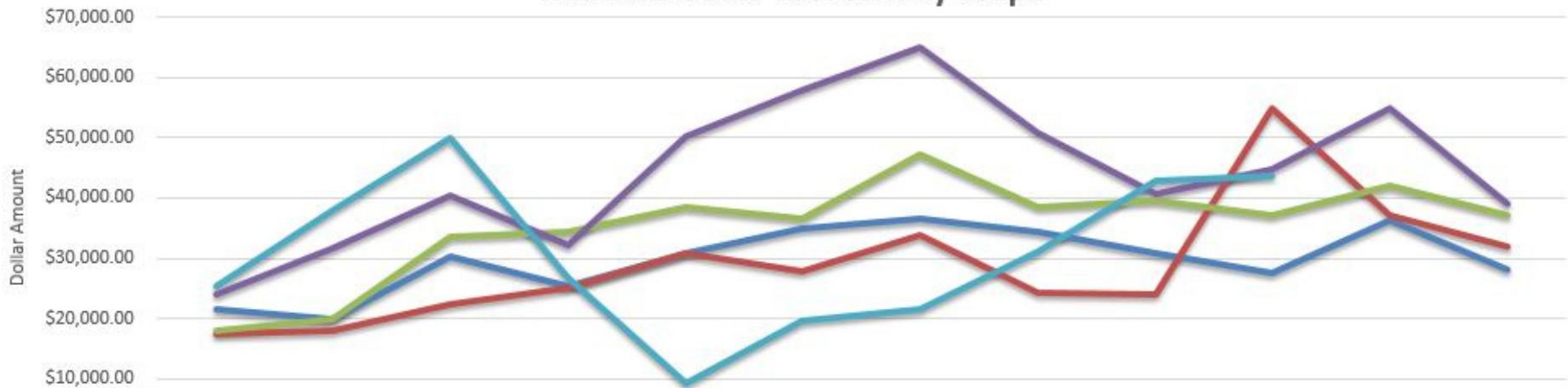
AVG DAILY RATE

2020 \$106.44 2019 \$110.26

REV PER AVAIL ROOM

2020 \$59.55 2019 \$73.84

Transient Guest Tax Monthly Graph



\$-

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2016	\$21,510.12	\$19,888.22	\$30,422.48	\$25,243.76	\$30,812.16	\$34,930.97	\$36,497.46	\$34,415.59	\$30,711.92	\$27,498.00	\$36,381.52	\$28,115.62
2017	\$17,352.54	\$18,062.76	\$22,347.86	\$25,162.60	\$30,866.36	\$27,713.37	\$33,858.76	\$24,387.16	\$23,977.09	\$54,764.34	\$37,229.22	\$31,979.90
2018	\$18,031.98	\$19,888.25	\$33,568.06	\$34,432.03	\$38,394.86	\$36,550.88	\$47,321.12	\$38,596.68	\$39,490.95	\$37,175.48	\$42,053.03	\$37,215.03
2019	\$24,038.17	\$31,698.84	\$40,490.09	\$32,152.21	\$50,140.83	\$57,998.20	\$64,974.31	\$50,801.93	\$40,598.90	\$44,659.97	\$54,843.37	\$38,930.81
2020	\$25,393.59	\$37,865.42	\$49,836.15	\$26,657.48	\$9,371.97	\$19,606.23	\$21,612.29	\$31,004.47	\$42,735.92	\$43,563.89		

Northeast Region

01

Northeast Region, 2019									
Amounts in millions of current dollars	Lodging*	Food and beverage	Retail	Recreation**	Transport***	Total	Growth rate	State and local tax revenues	Tax savings per hhd
County									
Atchison County	\$4.3	\$6.9	\$3.3	\$2.4	\$4.3	\$21.2	8.7%	\$1,543.3	\$222.1
Leavenworth County	\$8.5	\$19.1	\$9.0	\$8.2	\$22.5	\$67.3	4.2%	\$5,439.1	\$179.9
Wyandotte County	\$91.0	\$119.9	\$89.4	\$130.1	\$127.0	\$557.4	3.5%	\$34,473.6	\$504.0
Region Total	\$103.8	\$145.8	\$101.7	\$140.7	\$153.9	\$645.9	2.6%	\$41,456.0	\$404.0
State Total	\$1,162.6	\$1,804.2	\$1,086.3	\$1,192.5	\$2,081.5	\$7,327.1	3.1%	\$438,073.1	\$340.0

* Lodging spending includes 2nd home valuation

** Recreation includes casino wagering

*** Transport includes local and air transportation

Northeast Region									
Visitor spending amounts in millions of dollars	2015	2016	2017	2018	2019	Growth rate	Share of Region	Share of State	
County									
Atchison County	\$18.67	\$17.86	\$17.72	\$19.52	\$21.22	8.7%	3.28%	0.29%	
Leavenworth County	\$53.17	\$57.79	\$58.63	\$64.62	\$67.32	4.2%	10.42%	0.92%	
Wyandotte County	\$452.55	\$484.54	\$472.91	\$538.38	\$557.38	3.5%	86.29%	7.61%	
Region Total	\$524.38	\$560.20	\$549.25	\$622.52	\$645.91	3.8%	100.0%	8.82%	
State Total	\$6,550.42	\$6,690.55	\$6,793.58	\$7,106.70	\$7,326.66	3.1%		100.0%	



LEAVENWORTH DRONE VIDEO (1)

3 Professional Video's by TotoTV
3 min. drone coverage, 2 minute promo
video, 30 sec promo video



movie 1, Roslyns,
Antique, Hope,
KS Cty Store



movie 2, Sadeks,
Quilt, Lus,
Queens



movie 3, Tom,
Depot, SantaFe,
EuroPottery

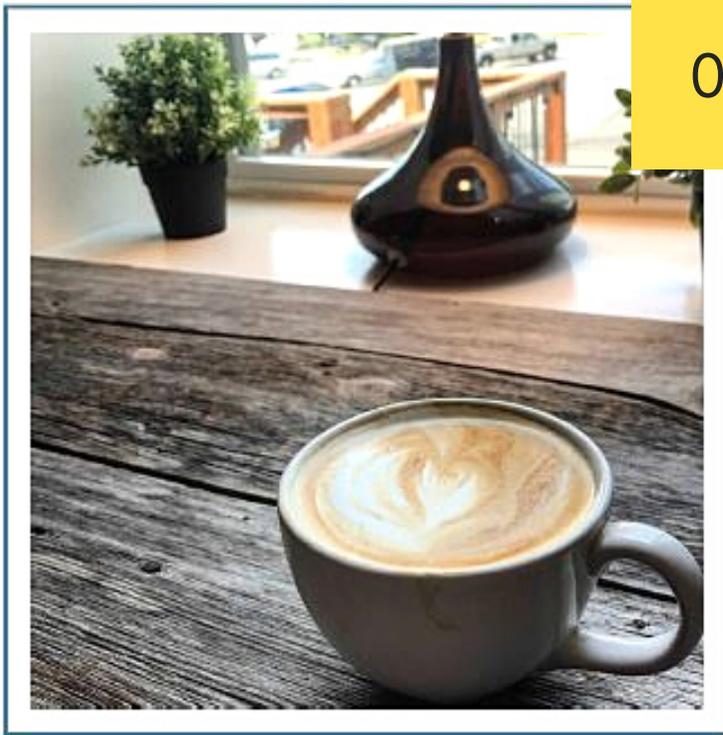


movie 4, Military,
Momo,
TuneShop

AMATURE VIDEO SHOOT

The CVB helped sponsor and collaborated with Main Street on a summer campaign called "Gettin' Back on Track". The CVB completed 4 short videos of downtown retailers talking about what they are doing to keep shoppers safe during Covid, and were added to social media sites and our Youtube channel. Campaign netted over \$95,000 spent in downtown Leavenworth over the 3 months.

02



KC Trips: Kids & Coffee

KC Kid Friendly: Summer trip ended with 1,431 selections and 55 audio plays. Two people earned the badge and two influencers helped promote the trip on weekend visits to KC.

KC Coffee: Now live and ongoing through winter into spring. To-date, there has been 1,184 selections with 59 audio plays and one person has achieved the prize badge. See stats page for trip location breakdown and social insights.

KCRDA - Kansas City Dest. Alliance

hello fall northeast kansas

Doniphan County

Sparks & White Cloud Flea Markets
Sept. 3 - 6 (Daylight Hours)
 Shop more than 500 vintage, collectible and antique dealers all weekend at the bi-annual Sparks and White Cloud Flea Markets. Conveniently located 10 miles apart, both towns are nestled along the Glacial Hills Scenic Byway on Highway 7.
www.dpcountyks.com

Hiawatha

Hiawatha Halloween Frolic
October 31, 2020
 Rockin' Around the Pumpkin Patch
www.hiawathaks.com

Seneca

Highway 36 Treasure Hunt
Thurs. Sept. 17 - Sun. Sept. 20
 Join us for the 15th annual Treasure Hunt! Seneca is one stop along 400 miles of garage sales, this is one event you don't want to miss!
 Seneca's map available Sept. 14
www.seneca-kansas.com

Lecompton

Historic Lecompton
Wed - Sat 10am - 4pm;
Sun 1pm - 5pm
 Tour Territorial Capital Museum, Constitution Hall and other historic sites.
 640 E Woodson, Lecompton
www.lecomptonkansas.com

Olathe

Mahaffie Stagecoach Stop & Farm
Open year-round
 Step back in time along the Santa Fe Trail at Mahaffie Stag Farm. Enjoy 1860s live museum, and many a visit. Visit the new ex Roundabouts: Explor 1200 E Kansas City R
www.mahaffie.org

Due to COVID-

Franklin County

Peckham's Pumpkin Patch
Weekends from 9/26 thru 10/31
Sat. 10am - 6pm & Sun. 12pm - 6pm
 30 years of family friendly fun! Enjoy the hay maze, slides, pedal cars, board games and hayride to the pumpkin patch!
 2710 Vermont Rd. Rantoul 66048
pleasantridge.com

Kansas City

Cider Hill Family Orchard
Aug: Fri-Sat: 9am - 5pm;
Sept/Oct: Tues - Sat: 9am - 5pm,
Sun: 12pm - 5pm; Open Labor Day Monday
 A place where families can come spend time together either in the Orchard, Pumpkin Patch or at the Fishing Ponds. It is all about creating memories and making fun family traditions. 3341 N. 139th K
www.ciderhillfamilyorchard.com

Overland Park

Local Life 3rd Fridays in Downtown OP
Fri, Sept. 18th and Fri, Oct. 16th
 A lively and fun way to explore the unique and locally-owned shops in Downtown Overland Park. Enjoy special entertaining sales and events.
 7935 Santa Fe Dr, Overland Park, KS 66204
downtownop.org/thirdfridaylocallife/

Leavenworth

Buffalo Bill Century Bike Ride
Sat Sept. 19 8am - 4pm
 38th Annual Buffalo Bill Century Ride including a 25 mile road, 64 mile road, 103 mile road, and a 50 mile gravel route. 418 Delaware St., Leavenworth KS
 Registration is at www.bikerereg.com/bbc

**NEKS Association:
 Newsletters x 4 yr**

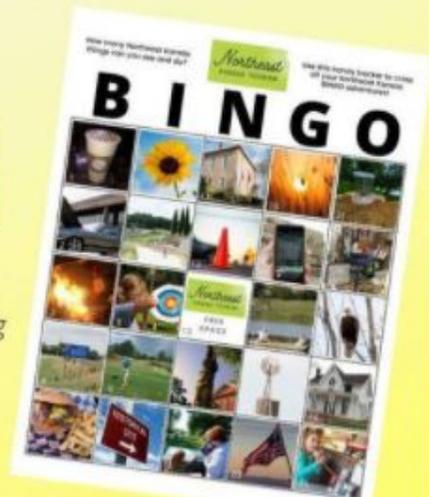
**I-70 Association:
 Newsletters x 4 yr**

**KCRDA
 Blogs x 12 yr**

**Explore Northeast Kansas...
 one bingo square at a time!**



Download and print
 your bingo card:
www.northeastkansas.org





MEET KANSAS



Meet Kansas is a collaboration of Destination Marketing Organizations from across the state who have banded together to help meeting and event planners. Meet Kansas saves you countless Google searches providing a one-stop shop for information on a collection of unique communities all in one place.

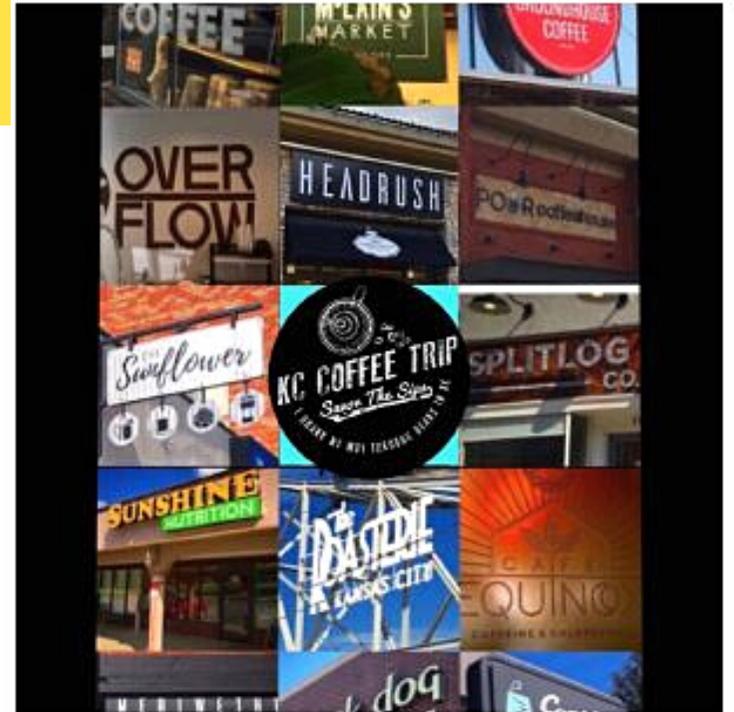


MeetKansas.com

Goodland and Hays CVB's attended the Small Market Meetings Conf in French Lick IN in Oct. on behalf of Meet KS.

They met with over 50 planners. We will add these to our database and send out information on Leavenworth.

02



Adventures in Coffee

Adventures in Coffee took over KC Destinations Instagram in October to help promote the KC Coffee Trip; results to date include:

- Total number of posts: 48
- Total number of images posted: 134
- Total number of likes: 1,316
- Total number of comments: 70
- Total number of stories: 84
- Average views per story: 25
- Total number of videos in posts: 6
- Average views of videos in posts: 121

**Blogger hired
by KCRDA**

TOURISM GRANTS FOR FEBRUARY 1 & AUGUST 1, 2020

Due to COVID-19, some events for 2020 have been canceled or postponed.

Feb. 1, 2020

- First City Film \$1500 - canceled
- Arin Yoon Photography \$1500 - extended
- Lvn Cty Hist Society \$3000
- Lvn Main Street \$3000
- Richard Allen Cultural Center \$3000
- CW Parker Carousel \$2500
- Santa Fe Trails \$3000

Aug. 1, 2020

- Lvn Main Street \$5000
- Lvn Cty Artists Association \$2000 - canceled

Social Media

Facebook, Twitter, Pinterest, and Instagram have over 7,070 followers

Website January thru Nov 5, 2020

214,241 page views; top pages: USP, USDB, Calendar of Events; Top Referral: TravelKS



02

TRAVEL INDUSTRY U

NOVEMBER 2020



08-15

Visitor Guidebook

Distributed 6,501 visitor guidebooks. They are distributed through travel centers, local delivery, trade-show placement, direct inquires and on-line inquiries, walk ins, and RFCC lobby.

236 direct personal requests, 393 welcome bags, 2,387 to businesses, 3,240 to visitor centers, 245 to Fort Leavenworth bulk deliveries.

Print Ads

Placed 20 ads with a distribution of 1,676,274 publications

On-Line Advertising

5 Digital campaigns and 1 billboard placed equaled impressions of over 2,386,183

E-NewsEvents Calendar

1,513 contacts emailed twice a month with avg. open rate of 15%





Van Wrap, Completed Oct. 26, 2020

INNOVATIVE TINT AND GRAPHICS

313 S Main, Hutchinson, KS

Calendar of Events

- Nov. 9 - Dec. 19 Rockin' Around the
 Christmas Tree
- Nov. 30 Shop Small
Business Saturday
- Month of Dec. Victorian Christmas
 Tour at the Carroll
 Mansion
- Dec. 3 Alive After 5
- Dec. 4 City Christmas
 Parade
- Dec. 11 Heritage Center
Christmas Dinner
 & Show
- Dec. 11-13 RCCP - A Christmas
 Carol



Carroll Mansion



Thank You

WEBSITE

www.VisitLeavenworthKS.com

PHONE

913-759-2948

EMAIL ADDRESS

cvb@firstcity.org

*Happy Thanksgiving
&
Happy Holidays*

POLICY REPORT PWD NO. 20-54

REVIEW PROPOSED CHANGES TO THE LEAVENWORTH CITY CODE
REFERENCING SEWER AND GREASE TRAP MAINTENANCE

November 17, 2020

Prepared by:



Michael G. McDonald, P.E.,
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Staff is proposing changes to the City Code to facilitate private sewer line and grease trap maintenance, repair, replacement, and remedies for the failure to maintain the improvements to comply with current code standards.

BACKGROUND:

On October 27, 2020, the Commission approved the Stormwater Management Program (SMP) for 2020-2024. The SMP is intended to guide City efforts to address the "Minimum Control Measures" outlined in the new permit. The new permit contains six statutory areas known as "Minimum Control Measures" (MCM). Specific Control Measures include "Illicit Discharge Detection and Elimination" and "Pollution Prevention and Good Housekeeping". The matter of commercial grease traps falls into these sections.

KDHE has identified Best Management Practices (BMPs) for each of the MCMs. The implementation of a "Grease Trap Program" and the mechanism to enforce the requirements is a stipulation of the State Permit and the City's Stormwater Management Program in the effort to control illicit discharges into the City stormwater system.

The Plumbing Code requires the installation and maintenance of grease interceptors or grease traps at all food service establishments. The installation of the devices is an accepted practice. City staff has worked over at least the last five years with various businesses and building owners and believes this has been accomplished at all known required locations. The summary of the 2019 program is attached.

The maintenance of the devices is a continual problem throughout the City. The grease-laden waste created by improperly maintained traps (typically from restaurants) leads to the following issues (among others):

- Sewer line backups into the originating structure, and often the adjoining structures or onto the surface of the adjoining property.
- Blocked manholes or sewer lines with sewage flowing into the adjacent stormwater piping system or creeks.
- Costs associated with call-out of sewer crews often on overtime to clear the sewer line blockage and any associated surface run-off issues.

- Grease build-up can restrict flow in sewer mains reducing capacity in general, especially in high Inflow/Infiltration locations.

These situations besides being unsightly, possibly odorous and creating a health hazard for the public, are a “non-compliance” issue with the City NPDES (National Pollutant Discharge Elimination System) Permit that often requires a report to KDHE. Specifically –

- Overflows reaching a creek or underground stormwater system must be reported to KDHE
- Excess number of events can cause KDHE to question the efficacy of the program and meeting the terms of the permit

To combat the issues regarding the maintenance of these facilities, staff is proposing the implementation of a more aggressive approach to monitoring grease traps. The current voluntary effort began after the EPA inspections of City programs in 2012. Besides the physical inspections by City staff noted above, the City implemented a record-keeping program by owners. The City sends out a letter annually reminding the establishment of the need for monthly device inspections and requesting a copy of their inspection log. These records are also reviewed during inspections by City staff.

The responses regarding records are mixed at best. Many establishments will fill out the inspection log appropriately as we have requested and submit it annually. Many other locations will submit clearly inappropriate records such as:

- Noting the facilities were inspected every day, even on days that do not exist such as February 29, April 31, May 31, etc., or days that they are closed.
- Providing checklists filled out in the same hand and style with the same pen and stating these are the annual inspection records.
- Many do not respond at all.
- Many do not address maintenance until there is a problem. This occurs in both larger and smaller establishments.

Staff is proposing that the regulations be changed as follows:

1. Require an annual Grease Discharge Permit and fee for each facility.
2. Stipulate requirements for the maintenance and annual inspection of the facility and devices.
3. Stipulate the enforcement actions and fines for facilities that fail to obtain a permit, fail to maintain their facilities, fail to provide credible evidence of routine maintenance, or fail to clean up an illicit discharge as required.

Proposed enforcement actions include:

1. Pursuing action under the “Nuisance” or other appropriate section of the City Codes.
2. Revocation of the device permit.
3. Disconnection of the water service and/or sewer service.
4. Impose a cleaning fee if the City incurs costs for the cleanup of illicit discharges from the facility or device.
5. Impose a late fee for the failure to renew the annual permit for the device (which would also include submittal of maintenance records)

A draft of the proposed changes which is attached to this policy report. The Municipal Code has been re-codified since this was prepared and the section numbers are different today; however, the language within them remains the same. Key items are shown below:

- \$25 Annual permit fee for Grease Trap or Interceptor
- \$100 fine for:
 - Failure to renew permit
 - Failure or incomplete Record Submittal

Staff has identified additional sections of the Code that are proposed to be modified to clarify that owner responsibility for sewer services and any associated problems begins and includes the connection to the sewer main line.

The current code section covering sewer connections is vague on what part is the property owner's responsibility and what is the City's responsibility. Staff has always interpreted that the private sewer line to the main to include the "T" or "Y" connection at the main is the responsibility of the property owner. Staff is proposing to change the wording to more clearly state the owner's responsibility for the connection to the main and identify the unlawfulness of faulty connections, and propose methods and procedures to remedy unlawful connections.

Staff will continue to work on developing the final version of the "Grease Trap Program". After any changes proposed by the Commission, staff would prepare a final draft for review at a regular meeting. It would then be appropriate to place this in ordinance form for first consideration.

It is expected that the City would begin implementing the various changes in 2021.

ATTACHMENTS:

Proposed Changes to City Code Section for "Prohibited Wastes"
Proposed Changes to City Code Section for "Sewers, Connections"
2019 Grease Trap Summary

City of Leavenworth
Grease Prevention Program
2019 Summary

February 5, 2020

The City of Leavenworth's Building Inspections Office continues to oversee a grease trap/interceptor inspection and maintenance program as part of the effort to prevent backups in the sewer lines. This effort is expected to reduce the number of instances where the contents of the sanitary sewer overflowed into homes, yards or streets.

The ongoing efforts include the following general activity:

1. Contact property owners and tenants whose buildings require a grease trap/interceptor with a letter informing them that the devices are required and that the devices require routine maintenance to operate properly
2. Perform annual inspections of the grease traps/interceptors to ensure that they are installed and maintained correctly
3. Communicate the need for routine maintenance by sending letters, requesting copies of maintenance records

Utilizing records from 2018, there were 67 businesses identified at the beginning of 2019 that staff believed may require a grease trap/interceptor.

The program goal was to send two letters to each business during the 2018 calendar year. One letter requested copies of maintenance records, and the second letter requested that the establishment contact the Building Inspection office and schedule an inspection of the grease trap/interceptor at their location, Approximately 72 letters were sent in 2019.

As a result of the response from the letters, staff determined that there are now 67 businesses that may require grease trap/interceptor. One establishment were removed from the list after additional information was received.

Staff performed 35 documented inspections on grease traps in 2019. Two establishments that were required to, but did not have a grease trap/interceptor previously, hired plumbing contractors and had grease traps installed in 2019.

Additional businesses were visited to verify grease interceptors were in place, but no actual inspections were performed on these devices due to the design of the devices.

There were five establishments that did not respond to the request for on-site inspections.

As other establishments are built or identified as needing to have a grease trap/interceptor, the establishment will be added to the programs records.

An adequate response related to copies of inspection records has been received, although multiple requests are necessary at times. Staff received copies of maintenance records from 22 of the businesses identified.

There are plans to change the program in 2020. Staff is proposing that an annual grease trap/interceptor license will be issued to each establishment. An annual inspection and copies of maintenance records for the previous year will be required before the licenses can be issued/renewed. There will also be fines for operating without a license and not maintaining the devices in proper working conditions.

YTD – GREASE TRAP/INTERCEPTOR SURVEY

12-31-19

NUMBER OF BUSINESSES CONTACTED	72
INSPECTION REQUESTS OR RECORD REQUEST LETTER MAILED OUT	72
NUMBER OF BUSINESSES THAT REQUIRE TRAPS/INTERCEPTORS	67
BUSINESS EXEMPT FROM GREASE EQUIPMENT	5
BUSINESSES NOT YET INSPECTED	26
NUMBER OF SITE INSPECTIONS OF GREASE TRAP	35
NUMBER OF MAINTENCE RECORDS RECEIVED	22

Recommended Changes to the City of Leavenworth City Code

Article IV. Sewers

Division 4. – Industrial Wastes – change to read Industrial/Commercial Wastes

Division 4. Sec.114-143. – Prohibited Wastes

Add (10) Grease-laden Waste – effluent discharge that is produced from food processing, food preparation, or other sources where grease, fats, and oils enter automatic dishwasher pre-rinse stations, sinks, or other appurtenances.

Add the following:

Division 5. Regulating and Permitting the Operation of Facilities Producing grease-Laden Waste and Service Providers for Grease Interception Devices

Sec. 114-148 Definitions

The following words and terms, as used in this division, shall be deemed to mean and be construed as follows:

Automatic Grease Removal Device – a plumbing appurtenance installed in a sanitary drainage system to intercept free-flowing fats, oils, and grease from wastewater discharge. Such a device operates on a time or event controlled basis and has the ability to remove free-floating fats, oils, and grease automatically without the intervention from the user, except for maintenance.

Grease Interceptor – a plumbing appurtenance installed in a sanitary drainage system to intercept oily and greasy wastes from a wastewater discharge. Such device has the ability to intercept free-flowing fats and oils with a flow rate **greater than 50 gallon per minute**.

Grease Trap - (also known as grease interceptor, grease recovery device and grease converter) is a plumbing device designed to intercept most greases and solids before they enter a wastewater disposal system. They are used to reduce the amount of fats, oils and greases (FOGs) that enter the main sewers with a flow rate **less than 50 gallon per minute**.

Food Service Establishment – any facility that prepares and/or packages food for sale or consumption, on or off site, with the exception of private residences. The term “food service establishment” includes, but is not limited to: food courts, food manufacturers, food processors, food packagers, restaurants, grocery stores, delicatessens, bakeries, lounges, hospitals, hotels, nursing homes, churches, college dining halls, Greek housing (sororities and fraternities), prisons, and cafeterias in schools.

Grease Laden Waste – Effluent discharge that is produced from food processing, food preparation, or other sources where grease, fats, oils, and grease enter automatic dishwasher pre-rinse stations, sinks, or other appurtenances.

Sec.114-149 Grease Discharge Permit Required; Application, Term, and Fee

(a) It shall be unlawful for any person, firm, or corporation to operate a facility in which grease-laden waste is produced without obtaining a grease discharge permit for

each grease removal device located at the facility. Provided that, "facility" shall not include any individual dwelling unit as such term is defined by the latest adopted building code of the City. All food service establishments shall be presumed to be facilities in which grease-laden waste is produced.

- (b) The owner, manager, or agent of a facility shall make written application to the director of public works, or a designee, on a form furnished by the City. The application shall be accompanied by the appropriate fee per Table ???, Table of Fees, of this Code, and for renewals, shall include a copy of the maintenance log per Section 114-151(g). Facilities have until the last working day of the month in which their permit expires, per paragraph (c) of this section, to complete the requirements to renew their permit. Permits issued pursuant to this division are nontransferable. A new permit application and fee shall be required for each change of ownership of a licensed facility.
- (c) Permits shall be renewed annually by July 1.
- (d) The Director of Public Works, or a designee, shall issue or renew a permit for a facility that complies with the terms of this Ordinance. The Director of Public Works may modify the terms and conditions of any permit, in order to protect the sanitary sewer system. The permit holder shall receive at least thirty (30) days notice of such modification, except in the event of an emergency as described in Section 114-152(e).
- (e) The permit fee shall be as stated in Table ???, Table of Fees, of this Code, for each grease removal device used at the facility. Permit fees shall not be prorated for permits in effect for less than the full calendar year. If a facility fails to submit all needed documents to renew its permit(s) prior to expiration, an additional late fee, as stated in Table ???, Table of Fees, of this Code, will be assessed for each month until the documents are received. A facility that is late in renewing its permit shall be in violation of this ordinance and any assessed late fees shall be in addition to the penalties provided for in Section 114-154(c)(d).

Section 114-150 Conditions of the Grease Discharge Permit; Variances

Each facility with a grease discharge permit is subject to the requirements of this section. Failure to abide by these requirements shall be unlawful. The requirements are as follows:

- (a) Each facility shall install and maintain grease removal devices as required by the latest adopted Plumbing Code of the City. If the facility's existing grease removal devices are not adequately sized for the facility's activities, the facility shall replace the devices to meet the requirements of the latest adopted Plumbing Code of the City. *Installations in existence prior to the adoption of this ordinance shall not be required to replace the existing grease removal device provided a maintenance plan is submitted and approved by the Director of Public Works, or designee, that ensures grease laden wastes will not enter the City's wastewater system.*
- (b) The permit holder shall ensure the inspection of, and shall maintain, and require all employees, agents, and other representatives to maintain the grease removal devices in accordance with the requirements of Section 114-151 and the best management practices approved by the Director of Public Works and in accordance with the manufacturer's installation and maintenance instructions.
- (c) The permit holder shall allow the facility to be inspected by the City, and the permit holder shall make grease removal devices accessible and exposed for inspection purposes, in connection with the issuance or renewal of a grease discharge permit, or at any reasonable time, without prior notice, to confirm the permit holder's

compliance with this Ordinance. Such inspections may include measuring, testing, or sampling.

- (d) A permit holder may make written request to the Director of Public Works for a variance from any of the requirements of this Ordinance. Such written request must be made on a form provided by the City and accompanied by a fee set in Table **???**, Table of Fees, of this Code. The Director of Public Works, or a designee, will issue a written response to the variance request within thirty (30) days. Denials may be appealed to the City Manager through the process described in Section 114-152(f).

Section 114-151 Maintenance of Grease Interceptors and Devices; Best Management Practices; Pumping and Minimum Pumping Frequency; Inspection; Maintenance Log

- (a) **Illegal Discharge** – It shall be unlawful for the permit holder to discharge grease-laden waste into the sanitary sewer collection system without using a functional grease removal device. It shall be unlawful for the permit holder to direct or allow any person to discharge grease-laden waste into the sanitary sewer collection system without using a functional grease removing device.
- (b) **Pumping** – All grease removal devices shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids by a registered service provider pursuant to Section 114-153. Decanting or discharging of removed waste back into the grease removal device from which the waste was removed or any other grease removal device, for the purpose of reducing the volume to be disposed, is prohibited.
- (c) **Minimum Pumping Frequency** – Grease removal devices must be pumped out completely a minimum of once every 180 days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system.
- (d) **Best Management Practices** – The Director of Public Works shall adopt best management practices to ensure continual and effective operation of grease removal devices. The permit holder shall comply with, and cause the permit holder's employees, agents, and other representatives to comply with, the best management practices adopted by the Director of Public Works.
- (e) **Spills** – If grease-laden waste spills onto the public right-of-way, parking area, driveway, or other location that may cause run-off into the stormwater management system, the spill shall be immediately cleaned up in a manner that complies with the best management practices **approved** by the Director of Public Works. The permit holder shall notify the Director of public Works, or a designee, that such spill occurred by the next business day. If the permit holder fails to clean the spill to the City's satisfaction, then the spill constitutes, and shall be treated as a nuisance pursuant to Chapter **???** of the City Code (**Nuisance Chapter**), and a violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), of which prohibits the unauthorized discharge of pollutants from a point source into any waters or tributary of navigable waters of the United States and thereby creates a nuisance and hazard to the community as defined by the Environmental Protection Agency and shall be subject to additional enforcement in accordance with those provisions.
- (f) **Inspection** – The permit holder shall have all Automatic Grease Removal Devices and Grease Interceptors inspected by a registered service provider pursuant to Section 114-153 on an annual basis. Such registered service provider may not be the permit holder or an employee of the permit holder. Grease removal devices must be emptied by the service provider at the time service or cleaning. The results of the inspection shall be recorded on the maintenance log described in paragraph (g) or the service manifest from the disposal/service provider and shall be reported on a

separate inspection form produced by the City and submitted to the City within fifteen (15) days of the inspection date. An inspection report will only be considered valid for permit renewal if it has been completed within sixty (60) days prior to the permit expiration date per Section 114-149(c).

If the inspector notes deficiencies in a grease removal device, the permit holder shall obtain a permit from the Leavenworth Building Inspection Division, pay the appropriate fee, and make necessary repairs to ensure compliance within thirty (30) days of the date of the inspection, unless an extension is approved by the Director of Public Works. The permit holder shall provide documentation of such repairs to the Director of Public Works, and allow inspection thereof, within fifteen (15) days of the completion of the repairs.

- (g) Maintenance Log – On a form furnished by the City, each permit holder shall maintain a true and accurate log for each of the grease removal device which provides for entry of the following information:
- (1) The date of each pumping service; the name of the person performing the service and the name of the company with which the service provider is affiliated; the amount removed; the condition of the device; and the signature of the manager or authorized representative of the facility in which the grease removal device is located; and
 - (2) All of the information regarding the annual inspection required by paragraph (f); the name of the person performing the inspection; and the name of the company with which the inspector is affiliated.
 - (3) The manifest with all the required information from the pumping service in para. 114-151(g)(1) above may be attached to the maintenance log in lieu of written entry of the information.

The maintenance log shall be kept in a readily accessible location and made immediately available upon request of the City representative. Each permit holder shall submit a copy of the previous year's maintenance log when renewing their annual permit and shall maintain copies of the log for three (3) years. If a maintenance log is lost and cannot be submitted, the permit holder shall have an opportunity to verify all of the information required by the maintenance log in a manner acceptable to the City, any failure to do so within ten (10) days following the City's request shall be unlawful and a violation of this ordinance.

Section 114-152 – Denial, Suspension, Revocation of Permit, Water Service Disconnect, or Disconnect Sewer Service

- (a) The Director of Public Works may deny, revoke, or suspend a permit, discontinue water service, and/or discontinue public sewer access to the non-compliant structure/establishment for any of the following reasons:
- (1) Failure to submit a complete application or pay any fees;
 - (2) Fraud, misrepresentation, or false statement in the permit application or inspection and repair records; or
 - (3) Failure to comply with any of the provisions of this or any other City ordinance or other law.
- (b) Such denial, revocation, suspension, or discontinuance shall not become effective until the applicant/permit holder has been served a notice. The notice shall state the reason for noncompliance and include a time period for the applicant/permit holder to comply. Service may be accomplished by personal service, service by restricted mail showing the date and to whom the mail was delivered, or by regular mail if restricted mail has been refused by the addressee. Service by personal service or by restricted

mail shall be deemed complete three (3) days after the City has placed the notice in the US mail. Such notice shall inform the applicant/permit holder of the action taken and shall notify the person of the right to appeal, pursuant to section 114-152(f). Such action shall be effective upon the seventh day following service upon the applicant/permit holder, unless an appeal is filed. If an appeal is filed, such action shall be stayed until the final written decision on the appeal is rendered.

- (c) In any suspension of the license, the Director of Public Works may place such conditions upon the suspension as deemed advisable. Any conditions of the suspension shall be set forth in the notice.
- (d) Operating a facility after the effective date of a permit's denial, revocation, or suspension shall be unlawful.
- (e) Emergency Suspension – The Director of Public Works may immediately suspend the wastewater treatment service when, in the opinion of the Director of Public Works, such suspension is necessary to stop an actual or threatened discharge which presents or may present an emminent or substantial danger to the public health, safety, or welfare, or to prevent interference with, or a threat to, the sanitary sewer collection system. If the person notified of such suspension fails to comply with the order, the director may take steps necessary to **discontinue water service**, and/or block or sever the connection to the sanitary sewer collection system. The person may file a written appeal to such order with the City Manager, within two (2) business days of the order being made, and the appeal shall be heard within two (2) business days of the filing. Service shall remain suspended during the appeal period. Service shall be reinstated when the condition causing the threat is corrected, or if the person successfully appeals the director's order.
- (f) Appeal and Hearing – A person receiving any notice or order may appeal the requirements contained therein pursuant to this subsection, except in the case of an emergency order, which shall comply with the process set forth in Section 114-152 (e). The person must file a written appeal with the City Manager within seven (7) days of receiving service, and the appeal must state why the requirements should be modified or should not apply to the recipient. The City Manager will hold a hearing, at which the person must be heard, within seven (7) days of receiving the appeal.

Section 114-153 Registration and Certification Programs

- (a) The City will establish and manage registration for all persons, firms, or businesses that desire to be authorized to pump, clean, and/or inspect grease removal devices within the sanitary sewer service area.

The registration shall be for a period of **three (3) years** at which time the person, firm, or business must re-register. The registration required by the City shall be in addition to any other permits, registrations, or occupational licenses required by federal, state, and local agencies having lawful jurisdiction. The registration is not transferable. There are no fees required to be registered.

- (b) Pumping and Cleaning – Any person, firm, or business desirous of collecting, pumping, or hauling wastes from, or cleaning Automatic Grease Removal Devices and Grease Interceptors from businesses located within the sanitary sewer service area shall be required to register with the City. It shall be unlawful for any person, firm, or business to pump out or clean grease removal devices within the sanitary sewer service area without being registered.
- (c) Certification – A registered person, firm, or business may also perform inspections of grease removal devices per Section 114-151(f) if designated person or employees of a firm or business have become certified to complete the inspections by completing

an educational class. **FSE** owners, or employees thereof, may complete the certification process in order to perform self-inspections in an un-official capacity, but they will not be certified to perform the official inspections required by the ordinance. A certification is effective for a period of **three (3) years**, at which time it must be renewed by attending a refresher course. It shall be unlawful for any person or employee of a firm or business to perform inspections of a grease removal device within the sanitary sewer service area without being certified.

- (d) Plumbers – Any plumber desirous of installing, repairing, and/or inspecting automatic grease removal devices or grease interceptors within the sanitary sewer service area per Section 114-153 shall be licensed through the Building Inspection Division of the City of Leavenworth. Plumbers shall also be required to register through the City for the purpose of performing inspections and must become certified to perform the inspections by completing an educational class. The certification is effective for a period of three (3) years, at which time it must be renewed by attending a re-fresher course. It shall be unlawful for any plumber to perform inspections or repairs of grease removal devices within the sanitary sewer service area without being licensed, registered, and certified.

Section 114-154 – Enforcement

- (a) Before additional action is taken to enforce the provisions of this section, a person or entity found to be in violation shall first be served with a notice of violation. Notice will be deemed sufficient if it is delivered by personal service or regular mail and adequately describes the nature of the violation and outlines a reasonable time line for the alleged violator to come into compliance of at least ten (10) days following the date of notice. Notice shall be deemed given immediately in the case of personal service and in the case of service by regular mail, three (3) days after the date of mailing.
 - (1) Upon the finding of a suspected violation or illicit discharge into the sanitary sewer collection system, the Building Inspector shall be notified to do an immediate and unannounced inspection of the grease removal devices in the suspect facility.
 - (2) If a violation of the maintenance requirements for the grease removal device has been identified, the facility shall be responsible all costs associated with the cleaning and removal of the violation in the sanitary sewer collection system. All cleaning and removal costs will be in accordance with the **Schedule of Fees, Section ??? ??? of this ordinance.**
 - (3) Any fee imposed for cleaning of the sanitary sewer collection system and/or removal of grease from the sanitary sewer collection system that has not been paid within thirty (30) days of receipt of the billing, shall be deemed a violation of this ordinance. Service shall be in accordance with Section 114-154(a).
- (b) Following the expiration of the time period granted in paragraph (a), a person or entity found to be in violation of this section shall be guilty of a misdemeanor.
- (c) A fine not to exceed \$500.00 shall be levied upon a first conviction. Each day of violation shall constitute a separate offense.
- (d) A fine not less than \$500.00 and not to exceed \$1,000.00 shall be levied upon a second and subsequent conviction. Each day shall constitute a separate offense.

Propose an annual fee of \$25.00 for each grease removal device and a \$100.00 per month late fee for any establishment failing to renew after the December 31 date.

Chapter 114 Utilities

Article IV Sewers

Division 2 Connections

Sec. 114-115. - Unlawful connections.

It shall be unlawful to connect an open gutter, cesspool, privy vault or any drain of any kind whatsoever of the surface water from the roof or yard to a sanitary sewer, or to connect any sanitary sewer or sanitary sewage to any drainage or stormwater sewer. *In addition, it shall be unlawful for any property owner to maintain any sewer service line from the structure to the main, to include the connection at the main, that allows the flow of sewage or other waste into the soil around the service line and/or connection or that allows ground water (inflow and infiltration) into the service line, connection, or main.*

Sec. 114-116. –Failure to repair/fees.

Upon notification by the City of any unlawful service line or connection, the property owner shall have 30 days from the date of notice to repair the service line or connection.

Failure on the part of the property to make the necessary repairs will result in the City initiating the repairs and assessing the property owner for all costs of the repairs and the appropriate administrative fee as prescribed in Appendix F. All fees not paid within 30 days after completion of the repairs by the City, shall result in the costs being assessed to the property in accordance with the standard practices for the assessment of other fees.

Secs. 114-~~116~~ 117– 114-125 Reserved