

RESOLUTION NO. 5934

A RESOLUTION OF THE CITY OF CYPRESS  
ESTABLISHING FATS, OILS, AND GREASE FEES FOR  
FOOD SERVICE ESTABLISHMENTS.

WHEREAS, In 2002, the Santa Ana Regional Water Quality Control Board enacted Rule R8-2002-0014 requiring all sewerage agencies to adopt the requirements of a new Waste Discharge Requirement (WDR); and

WHEREAS, the WDR requires many municipalities, including the City of Cypress, to increase the level of maintenance, operations, and capital improvement and repair to their sewer systems, and to have in place a fats, oils, and grease control program; and

WHEREAS, on December 13, 2004, the City Council adopted Ordinance No. 1065, creating a Fats, Oils, and Grease (FOG) Control Program for Food Service Establishments (FSEs) in the City of Cypress requiring a permit for sewer discharges which could contain fats, oils, and grease and imposing requirements for monitoring of and elimination of fats, oils, and grease from sewer discharges for such establishments; and

WHEREAS, Ordinance No. 1065 authorizes the adoption by resolution of a FOG Waste Water Discharge Permit Fee and Grease Disposal Mitigation Fee to cover the costs of increased maintenance and administration of the sewer system as a result of the FSE's inability to remove FOG from its wastewater discharge, and to require FSE's to implement other programs that are considered appropriate to protect the City's sanitary sewer system; and

WHEREAS, the City of Cypress has prepared an analysis which demonstrates the amount of cost required to provide the services for which the City's Waste Water Discharge Permit Fee and Disposal Mitigation Fee are imposed, as well as the revenue sources anticipated to provide the services, including the Sanitary Sewer Fund; and

WHEREAS, the analyses have been made and are available for public inspection and copying within the Public Works Department of the City, and

WHEREAS, the City is authorized to impose fees for services which do not exceed the City's actual cost of providing these services; and

WHEREAS, pursuant to Government Code Section 66018 the specific fees to be charged for services must be adopted by the City Council by Resolution, after providing notice and holding a public hearing; and

WHEREAS, pursuant to Government Code Section 66018, the City provided legal notice and held a public hearing on the proposed update to its development fees on April 24, 2006, at which time the City Council invited public input and comment on the matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CYPRESS DOES FIND, DETERMINE AND RESOLVE AS FOLLOWS:

The fees for implementation of the City of Cypress Fats, Oils, and Grease Program shall be, and hereby are, established as shown on Attachment "A" to this resolution, which incorporated by this reference as if set forth in full; and

The City Council may by resolution, from time to time, revise and adjust the amount of said fees as shown on Attachment "A"; and

The City Council finds and determines that the fees as set forth in the foregoing attachments do not exceed the estimated reasonable cost to the City of providing such services; and

The fees set forth in this Resolution shall be of no force or effect sooner than sixty (60) days following final action on this Resolution by the Cypress City Council.

PASSED AND ADOPTED by the City Council of the City of Cypress at a regular meeting held on the 24th day April, 2006.

  
MAYOR OF THE CITY OF CYPRESS

ATTEST:

  
CITY CLERK OF THE CITY OF CYPRESS

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS

I, JILL R. INGRAM, City Clerk of the City of Cypress, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the said City Council held on the 24th day of April, 2006, by the following roll call vote:

AYES:	4	COUNCIL MEMBERS:	McGill, Seymore, Luebben and Sondhi
NOES:	0	COUNCIL MEMBERS:	None
ABSENT:	1	COUNCIL MEMBERS:	McCoy

  
CITY CLERK OF THE CITY OF CYPRESS

**ATTACHMENT A TO RESOLUTION #5934  
CITY OF CYPRESS  
DEPARTMENT OF PUBLIC WORKS  
FATS, OILS, AND GREASE (FOG) PROGRAM FEES  
(Effective Date April 24, 2006)**

	ACTIVITY	FEE Minimum Fee (MF)/ Actual Cost
A.	Grease Control Device (GCD) Lid Inspection or Re-inspection of GCD due to non-compliance	\$23 each lid Minimum Fee/Actual Cost
B.	Best Management Practices (BMP) Program Inspection or BMP Re-inspection Fee due to non compliance	\$34 per visit Minimum Fee/Actual Cost
C	Annual Grease Disposal Mitigation Fee	\$138 per FSE w/o GCD Minimum Fee/Actual Cost
D	Inspection/Contract Rate for additional services	\$86 per hour
E	New GCD Installation Inspection	\$115 Minimum Fee/Actual Cost
F	New GCD Installation Plan Check	\$132 Minimum Fee/Actual Cost

1. All fees include 15% administrative overhead
2. Reflects July 2005, City Council approved contract for Environmental Compliance Services