

# **ORDINANCE NO. 855**

## **AN ORDINANCE CREATING TROUTDALE MUNICIPAL CODE SECTIONS 8.40.25 RELATING TO THE ESTABLISHMENT OF A BUSINESS FOOD WASTE REQUIREMENTS PROGRAM PURSUANT TO STATE AND LOCAL LAW**

### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. The State of Oregon Department of Environmental Quality has added a required food waste collection program for nonresidential generators to the list of menu items available to local governments for compliance with state law under Oregon Administrative Rule 340 Division 90; and
2. On July 26, 2018, Metro Council adopted Ordinance No. 18-1418 and Administrative Rules Chapter 5.10-4000 to implement business food waste requirements to recycle and reduce food waste;
3. The Metro region has had a voluntary business food waste collection program in place for over ten years yet only fourteen percent of the total food waste is recovered;
4. The Metro Council has determined that in order for the region to significantly increase food waste recovery, a more aggressive approach to food waste recovery is necessary; and

### **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

Section 8.40.25 of the Troutdale Municipal Code is hereby created to read as follows:

#### **8.40.25 BUSINESS FOOD WASTE REQUIREMENTS**

##### **(1) Intent**

The purpose of this ordinance is to comply with the Business Recycling Requirement set forth in Metro Code Chapter 5.10 (Metro Ordinance No. 18-1418). This Chapter does not apply to food that is fit for human consumption and accepted for donation by a charitable organization or the use of food waste for animal consumption in compliance with applicable regulations.

##### **(2) Definitions**

Unless otherwise specifically defined, all terms used are as defined in Municipal Code Chapter 8.40.

"Covered Business" means an organization that cooks, assembles, processes, serves, or sells food or does so as a service provider for other enterprises.

"Food waste" means solid waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption.

1. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels.
2. Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.

### **(3) Applicability**

- A. This ordinance applies to all covered businesses under the provisions of the Food Waste Requirement in this Chapter. Covered businesses subject to the Business Food Waste Requirement include but are not limited to:
  - a. Cafeterias & buffets;
  - b. Caterers;
  - c. Correctional facilities;
  - d. Food product manufacturing;
  - e. Food service contractors;
  - f. Full-service restaurants;
  - g. Grocery retail;
  - h. Grocery wholesale;
  - i. Limited service restaurants;
  - j. Specialty food markets; and
  - k. Warehouse clubs.
  
- B. The following covered businesses must comply with the provisions for the Food Waste Requirements in this Chapter only if the entities have full-service restaurants or on-site food preparation or service:
  - a. Colleges & universities
  - b. Drinking places
  - c. Elementary and secondary schools;
  - d. Hospitals;
  - e. Hotels;
  - f. Nursing & residential care; and
  - g. Retirement & assisted living

### **(4) Business Food Waste Requirements**

- A. Covered businesses must comply with the following minimum requirements:
  - a. Separate food waste from all other solid waste for collection.
  - b. Collect food waste that is controlled by the business, agents, and employees.
    - i. This requirement does not apply to food waste controlled by customers or the public.
    - ii. A covered business may, at its discretion, also collect food waste from customers or the public but must ensure that food wastes are free of non-food items.
    - iii. Elementary and secondary schools (K – 12) may also include student-generated food waste from school cafeteria meals but must ensure that food wastes are free of non-food items.
  - c. Have correctly labeled and easily identifiable receptacles for internal maintenance or work areas where food waste may be collected, stored, or both.
  - d. Post accurate signs where food waste is collected, stored, or both that identify the materials that the covered business must source separate.
- B. Owners or managers of single or multi-tenant buildings containing covered businesses must allow or otherwise enable the provision of food waste collection service to lessees or occupants subject to the business food waste requirement.

**(5) Compliance Timeline**

- A. Covered businesses must comply with the food waste requirements as determined by the quantity of food waste they generate per week, on average. Covered Businesses that demonstrate they generate less than 250 pounds per week of food waste are not subject to this requirement.
  - a. Business Group 1
    - i. 1,000 pounds (≥0.5 ton) per week food waste generated
    - ii. March 31, 2020 – March 31, 2021
  - b. Business Group 2
    - i. 500 pounds (≥0.25 ton) per week food waste generated
    - ii. March 31, 2021 – September 30, 2022
  - c. Business Group 3
    - i. 250 pounds (≥0.125 ton) per week food waste generated
    - ii. September 30, 2022 – September 30, 2023

**(6) Temporary Compliance Waiver**

- A. A covered business may seek a temporary (12 month) waiver from the business food waste requirement by:
  - a. Providing access to a recycling specialist for a site visit and demonstrating that the covered business cannot comply with the business food waste requirement. The City of Troutdale would determine if one or more of the following criteria warrant a temporary waiver:

- i. Less than 250 pounds per week of food in the disposed waste.
  - ii. Food waste produced by the Covered Business is not suitable for inclusion in the program, or cannot be made suitable without unreasonable expense.
  - iii. Physical barriers to compliance exist and cannot be immediately remedied.
  - iv. Compliance results in unreasonable capital expense.
  - v. Compliance results in a violation of other government ordinance, health or safety code.
- b. Agreeing to periodic waiver verification site visits, as allowed by law, to determine if conditions that warrant the waiver are still in place and cannot be remedied in accordance with waiver criteria.

**(7) Non-Compliance**

- A. A covered business that does not comply with the business food waste requirement may receive a written notice of non-compliance that:
- a. Describes the nature of the violation, the steps needed to cure the violation within the time specified in the notice, and offers assistance with compliance.
- B. A covered business that does not cure a violation within the time specified in the notice of non-compliance may receive a written citation that:
- a. Provides an additional opportunity to cure the violation within the time specified in the citation and notifies the covered business that it may be subject to a fine or civil penalty.
- C. A covered business that does not cure a violation within the time specified in the citation may be subject to a fine or civil penalty not to exceed \$100 per violation. Each violation, and each day a violation continues will be considered a separate fine or civil penalty.

**YEAS: 7**  
**NAYS: 0**  
**ABSTAINED: 0**



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**Casey Ryan, Mayor**

**Date: October 23, 2019**



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**Sarah Skroch, City Recorder**

**Adopted: October 22, 2019**