



ORDINANCE 2020-003

**ADOPTING CHAPTER 8.22 TO THE SHERWOOD MUNICIPAL CODE TO CREATE A
BUSINESS FOOD WASTE PROGRAM**

WHEREAS, the City values and promotes community livability, community pride, and forward thinking; and

WHEREAS, in connection with these values, the City desires to reduce the amount of business food waste entering landfills; and

WHEREAS, the City Council has therefore determined that it is necessary and appropriate to create a business food waste program in the City.


NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration, the City Council finds that a new Chapter 8.22 of the Sherwood Municipal Code should be enacted as set forth in Exhibit 1, attached hereto.

Section 2. Approval. The proposed addition of Chapter 8.22 to the Sherwood Municipal Code as identified in Exhibit 1 is hereby **APPROVED**.

Section 3. Effective Date. This Ordinance shall be effective 30 days from adoption.

Duly passed by the City Council this 7th day of April, 2020.



Keith Mays, Mayor

4/7/2020

Date

Attest:



Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<u>✓</u>	_____
Griffin	<u>✓</u>	_____
Brouse	<u>✓</u>	_____
Young	<u>✓</u>	_____
Garland	<u>✓</u>	_____
Rosener	<u>✓</u>	_____
Mays	<u>✓</u>	_____

Chapter 8.22 – BUSINESS FOOD WASTE PROGRAM

8.22.010 – Definitions.

As used in this chapter, unless the context requires otherwise:

- A. “Covered Businesses” means organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises. Such organizations include but are not limited to: cafeterias and buffets; caterers; correctional facilities; food product manufacturers; food service contractors; full and limited service restaurants; grocery retail; grocery wholesale; specialty food markets; warehouse clubs; as well as the following organizations if they have full-service restaurants or on-site food preparation services: colleges and universities; drinking places; elementary and secondary schools; hospitals; nursing and residential care facilities; and retirement and assisted living facilities.
- B. “Food Waste” means 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 that results from the distribution, storage, preparation, cooking, handling, selling, or serving of food for human consumption. 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. Food waste does not include any food, including but not limited to liquids or large amounts of oils and meats, which are collected for rendering, fuel production, or other non-disposal applications; any food fit for human consumption that has been set aside, stored properly, and is accepted for donation by a charitable organization; or any food collected to feed animals in compliance with applicable regulations.

8.22.020 – Food Waste Requirement.

All Covered Businesses must:

- A. Source separate and recover Food Waste from other solid waste;
- B. Recover Food Waste that is controlled by the business, its agents, and its employees. This requirement does not apply to Food Waste controlled by customers or the public, although businesses are encouraged to devise methods to capture additional Food Waste for recovery, provided that it can be kept free of non-food contamination. For the purposes of this subsection, Food Waste controlled by customers or the public includes Food Waste generated by employees of a Covered Business after food has been provided or sold to the employees by the Covered Business.
- 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.

8.22.030 – Landlords of Covered Businesses.

Persons or entities that lease or provide space to a Covered Business must allow or provide food waste collection services to those Covered Businesses.

8.22.040 – Compliance Dates.

Covered Businesses must comply with the Food Waste requirement of this section in three phases as listed below. Businesses that provide food service to another business, such as food trucks, shall be

considered for the volume generated by the food providing business, not the entirety of the host business being served.

- A. Business Group 1, which includes all businesses that generate ≥ 0.5 ton (1,000 pounds) per week of food waste must begin compliance on or before March 31, 2021.
- B. Business Group 2, which includes all businesses that generate ≥ 0.25 ton (500 pounds) per week of food waste must begin compliance on or before September 30, 2022.
- C. Business Group 3, which includes all businesses that generate ≥ 0.125 ton (250 pounds) per week of food waste must begin compliance on or before September 30, 2023.

8.22.050 – Temporary Waiver.

- A. A Covered Business may seek a temporary (12-month) waiver from the business Food Waste requirement of this section. Such waivers may not exceed 12 months, but the City Manager may provide for annual temporary waiver renewals. To seek a temporary waiver or renewal of a temporary waiver, the Covered Business must submit a request in writing to the City Manager or the City Manager’s designee demonstrating that the Covered Business cannot comply with the Food Waste requirement because of one or more of the following reasons:
 - 1. The Covered Business generates less than 250 pounds per week of Food Waste in its disposed solid waste;
 - 2. Food Waste produced by the Covered Business is not suitable for inclusion in the program, or cannot be made suitable without unreasonable expense;
 - 3. Physical barriers to compliance exist and cannot be immediately remedied;
 - 4. Compliance would result in unreasonable capital expense; or
 - 5. Compliance results in a violation of other government regulation, health, or safety code.
- B. Covered Businesses seeking a temporary waiver or renewal of a temporary waiver must agree to periodic waiver verification site visits by the City Manager or the City Manager’s designee.

8.22.60 – Failure to Comply.

- A. A Covered Business that does not comply with the requirements of this Chapter will first be issued a written notice of noncompliance. The notice of noncompliance will describe the violation, provide the Covered Business an opportunity to cure the violation within the time specified in the notice, and offer assistance with compliance.
- B. Failure to cure a violation within the time specified in the notice of noncompliance is an infraction.