

ORDINANCE NO. 1420-19

AN ORDINANCE RELATING TO BUSINESS FOOD WASTE REQUIREMENTS; AND CREATING TUALATIN MUNICIPAL CODE CHAPTER 9-8.

WHEREAS, on or about July 26, 2018, Metro adopted Ordinance No. 18-1418 to implement business food waste requirements to recycle and reduce food waste;

WHEREAS, 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;

WHEREAS, 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

Whereas, the Council wishes to assist Metro in increasing recycling of food waste and achieving food waste reduction goals for the Metro region.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 9-8 is created to read as follows:

TMC 9-8-005 Purpose.

The purpose of this Chapter is to comply with the Business Food Waste Requirements set forth in Metro Code Chapter 5.10 (Metro Ordinance No. 18-1418) and to assist the Metro region in increasing recycling of food waste and achieving food waste reduction goals. 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.

TMC 9-8-010 Definitions.

For purposes of this Chapter, the terms and conditions have the following meanings:

(1) *Covered business* means a business that cooks, assembles, processes, serves, or sells food or does so as service providers for other enterprises.

(2) *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 for human consumption.

(a) 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.

(b) 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.

TMC 9-8-020 Applicability.

(1) All covered businesses must comply with the provisions of the Food Waste Requirements 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 service contractors;
- (e) Full service restaurants;
- (f) Grocery retail;
- (g) Grocery wholesale;
- (h) Limited service restaurants;
- (i) Specialty food markets; and
- (j) Warehouse clubs.

(2) The following covered business must comply with the provisions for this 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.

TMC 9-8-030 Business Food Waste Requirements; Business Owner Requirements.

(1) A covered business must comply with the following minimum requirements for business food waste:

- (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 wastes 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 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.

(2) In addition to the minimum requirements in subsection (1), 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.

TMC 9-8-030 Compliance Timeline; Temporary Compliance Waivers.

(1) Covered Businesses must comply with the food waste requirements as determined by the quantity of food waste they generate per week, on average. Implementation will begin with Business Group 1 and progress to the other groups according to the dates noted below. Covered Businesses that demonstrate they generate less than 250 pounds per week of food waste are not subject to this requirement.

Business Group 1 March 31, 2020-March 31, 2021	Business Group 2 March 31, 2021-Sept. 30, 2022	Business Group 3 Sept. 30, 2022-Sept. 30, 2023
≥0.5 ton (1,000 pounds) per week food waste generated	≥0.25 ton (500 pounds) per week food waste generated	≥0.125 ton (250 pounds) per week food waste generated

(2) A covered business may seek a temporary 12-month waiver from the business food waste requirement by providing access to a recycling specialist for a site visit and demonstrating that the covered business cannot comply with the business food waste requirement. Businesses must agree to periodic waiver verification site visits to determine if conditions that warrant the waiver are still in place and cannot be remedied in accordance with waiver criteria.

TMC 9-8-040 Enforcement of the Business Food Waste Requirement.

(1) A covered business that does not comply with the business food waste requirement may receive 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.

(2) A covered business that does not cure a violation within the time specified in the notice of noncompliance may receive a written citation. The citation will provide an additional opportunity to cure the violation within the time specified in the citation and will notify the covered business that it may be subject to a fine.

(3) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000. Each violation, and each day that a violation continues, is a separate civil infraction.

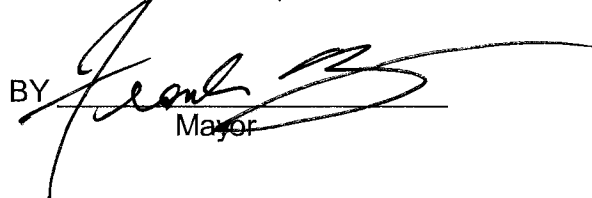
(4) The civil infraction procedures in TMC Chapter 7-01 apply to the prosecution of any violation of this Chapter.

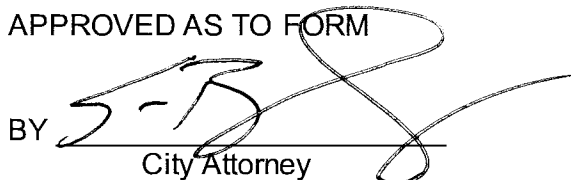
Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Section 3. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 28th day of May, 2019.

CITY OF TUALATIN, OREGON

BY  Mayor

APPROVED AS TO FORM
BY  City Attorney

ATTEST:
BY  City Recorder