

COUNCIL ORDINANCE No. 2173**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, CREATING MILWAUKIE MUNICIPAL CODE CHAPTER 13.24.220 BUSINESS FOOD WASTE REQUIREMENTS.**

WHEREAS, the City is within Metro's jurisdiction for solid waste management; and

WHEREAS, Metro mandated that local governments adopt business food waste requirements by July 31, 2019; and

WHEREAS, the City finds it is in the public's interest to enact this ordinance.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Milwaukie Code Chapter 13.24.220 is hereby added to read as follows:

13.24.220 BUSINESS FOOD WASTE REQUIRMENT

All covered businesses in the City that fall within the Metro District boundary and Clackamas County shall comply with this Chapter and regulations promulgated hereunder. A business, for the purposes of this Chapter, is a business that cooks, assembles, processes, serves, or sells food or does so as service providers for other enterprises and generates more than 250 pounds per week of food waste.

A. PURPOSE AND INTENT

1. The purpose and intent of this Chapter is to:
 - a. Source separate food waste and prevent that waste from entering the solid waste system; and
 - b. Comply with applicable provisions of Metro's Solid Waste Administrative Rules and Clackamas County's Solid Waste Management Ordinances.

B. DEFINITIONS

"Business" means organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.

"City staff, or Designee" means duly appointed representatives of the City of Milwaukie.

"Food waste" means waste generated 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, rinds, and peels. Food waste does not include liquids or large amounts of oils and meats that 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 or any food collected to feed animals in compliance with applicable regulations.

“Exempt” means liquids or large amounts of oils and meats that 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.

C. APPLICABILITY

1. This ordinance applies to all businesses.
2. Businesses subject to the business food waste requirement include without limitation cafeterias & buffets, caterers, correctional facilities, food product manufacturing, food service contractors, full service restaurants, grocery retail, grocery wholesaler, limited service restaurants, specialty food markets, warehouse clubs; and those businesses with full-service restaurants or on-site food preparation or service, colleges & universities, drinking places, bars, taverns, elementary and secondary schools, hospitals, hotels, nursing & residential care, retirement & assisted living.
3. Only those with full-service restaurant or on-site food preparation or services are subject to this requirement.

D. BUSINESS FOOD WASTE REQUIREMENTS

1. Businesses must collect food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers or the public. At its discretion, a business may also collect food waste from customers or the public but must ensure that food wastes are free of non-food waste items. K-12 schools may also include student-generated food waste from school cafeteria meals but must ensure that food wastes are free of non-food items.
2. Businesses must have correctly-labeled and easily-identifiable receptacles for internal maintenance or work areas where food waste may be collected, stored, or both.
3. Businesses must post accurate signs where food waste is collected and stored that identify the materials that the covered business must source separate.
4. All Businesses must comply with this section by September 30, 2023.
 - a. Businesses that are not schools generating greater than 1,000 pounds of food per week must comply with this section by March 31, 2021.
 - b. Businesses that are not schools generating greater than 500 pounds of food waste per week must comply with this section by September 30, 2022.
5. Persons and entities that own, manage, or operate premises with business tenants subject to this chapter, and that provide garbage collection service to those business tenants shall provide food waste collection systems adequate to enable those business tenants to comply with the requirements of subsections 1, 2, 3, and 4 of this Section D.
6. A business may seek a temporary compliance waiver issued by Clackamas County, subject to the following conditions:

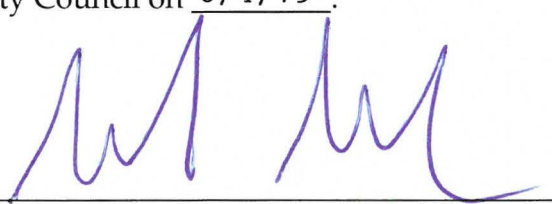
- a. The temporary compliance waiver will not exceed twelve (12) months; and
 - b. The business provides access to City staff, or designee, for a site visit to demonstrate that the covered business cannot comply with this section; and
 - c. City staff, or designee, approves a temporary compliance waiver under this section; and
 - d. City staff, or designee, performs periodic site visits to ensure the conditions allowing a temporary compliance waiver under this section are still in place and cannot be remedied; and
 - e. City staff, or designee, may determine a renewal of the temporary compliance waiver is warranted.
7. A business that does not comply with subsections 1-6 of this section:
- a. May receive a written notice of noncompliance from the City or designee. The notice of noncompliance will:
 1. Describe the violation; and
 2. Provide the business an opportunity to cure the violation within a specified time period; and
 3. Offer assistance with compliance.
 - b. A business failing to cure a violation within the time specified in the notice of noncompliance may receive a written citation that will:
 1. Provide an additional opportunity to cure the violation; and
 2. Notify the business that it may be subject to a fine.
 - c. A business that does not cure a violation within the time specified in the citation may be subject to a fine.

Section 2. The effective date of this ordinance shall be July 30, 2019.

Read the first time on 6/4/19, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 6/4/19.

Signed by the Mayor on 6/4/19.

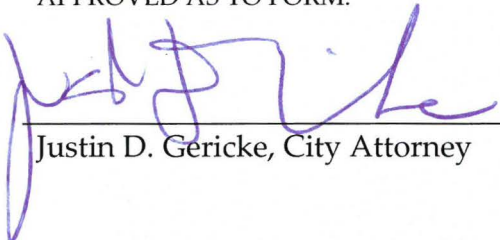


Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney