

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 6-223 OF THE FRESNO MUNICIPAL
CODE, RELATING TO SPECIAL REQUIREMENTS FOR
COMMERCIAL EDIBLE FOOD GENERATORS

WHEREAS, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) solid waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane. As adopted by CalRecycle, these SB 1383 regulations (SB 1383 Regulations) place requirements on multiple entities including the City, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets, and

WHEREAS, the SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB

1 of 5

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: AMK

Ordinance No.

1383 Regulations, and

WHEREAS, this Ordinance implements the requirements of the SB 1383 Regulations.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6-223 of the Fresno Municipal Code is amended by adding subsections (a) through (c) thereto to read as follows:

SECTION 6-223. - SPECIAL REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS.

[(a) Tier one commercial edible food generators must comply with the requirements of this Section 6-223 commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.]

[(b) Large venue or large event operators not providing food services, but allowing for food to be provided by others, shall require food facilities operating at the large venue or large event to comply with the requirements of this Section, commencing January 1, 2024.]

[(c) Commercial edible food generators shall comply with the following requirements:]

(1) Arrange to recover the maximum amount of edible food that would otherwise be disposed.

(2) Contract with or enter into a written agreement with food recovery organizations or food recovery services for: (i) the collection of edible food for food recovery; or, (ii) acceptance of the

edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

(3) Shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

(4) Allow the city or its designee to access the premises and review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(i) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(ii) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

(iii) A record of the following information for each of those food recovery services or food recovery organizations:

(a) The name, address and contact information of the food recovery service or food recovery organization.

(b) The types of food that will be collected by or self-hauled to the food recovery service or food recovery organization.

(c) The established frequency that food will be collected or self-hauled.

(d) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a food recovery service or food recovery organization for food recovery.]

(d) Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney