

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA AMENDING CHAPTER 6.06 OF THE RIVERSIDE MUNICIPAL CODE TO ESTABLISH THE EDIBLE FOOD RECOVERY PROGRAM

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 6.06.020 of the Riverside Municipal Code is hereby amended as follows:

“6.06.020 - Definitions.

Except as otherwise provided herein, the definitions listed in Chapter 6.04 of this Code shall apply to this chapter. The following definitions shall also apply. In the event the definitions of Chapter 6.04 are inconsistent with this section, the definitions of this section shall take precedence.

...

California Code of Regulations or CCR means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).

Commercial Edible Food Generator includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this Chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

...

Edible Food means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or

1 authorizes the Recovery of Edible Food that does not meet the food safety requirements of
2 the California Retail Food Code.

3 *Food Distributor* means a company that distributes food to entities including, but not
4 limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section
5 18982(a)(22).

6
7 *Food Facility* has the same meaning as in Section 113789 of the California Health and
8 Safety Code.

9
10 *Food Recovery* means actions to collect and distribute food for human consumption that
11 otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

12
13 *Food Recovery Organization* means an entity that engages in the collection or receipt of
14 Edible Food from Commercial Edible Food Generators and distributes that Edible Food to
15 the public for Food Recovery either directly or through other entities or as otherwise
16 defined in 14 CCR Section 18982(a)(25), including, but not limited to:

17 1. A food bank as defined in Section 113783 of the California Health and Safety
18 Code;

19 2. A nonprofit charitable organization as defined in Section 113841 of the
20 Health and Safety code; and,

21 3. A nonprofit charitable temporary food facility as defined in Section 113842
22 of the Health and Safety Code.

23 A Food Recovery Organization is not a Commercial Edible Food Generator for the
24 purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant
25 to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food
26 Recovery Organization differs from this definition, the definition in 14 CCR Section
27 18982(a)(25) shall apply to this Chapter.

1 *Food Recovery Service* means a person or entity that collects and transports Edible Food
2 from a Commercial Edible Food Generator to a Food Recovery Organization or other
3 entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food
4 Recovery Service is not a Commercial Edible Food Generator for the purposes of this
5 Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR
6 Section 18982(a)(7).

7 . . .

8 *Large Event* means an event, including, but not limited to, a sporting event or a flea market,
9 that charges an admission price, or is operated by a local agency, and serves an average of
10 more than 2,000 individuals per day of operation of the event, at a location that includes,
11 but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course,
12 street system, or other open space when being used for an event. If the definition in 14 CCR
13 Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section
14 18982(a)(38) shall apply to this Chapter.

15
16 *Large Venue* means a permanent venue facility that annually seats or serves an average of
17 more than 2,000 individuals within the grounds of the facility per day of operation of the
18 venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7,
19 Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately
20 owned or operated stadium, amphitheater, arena, hall, amusement park, conference or
21 civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center,
22 fairground, museum, theater, or other public attraction facility. For purposes of this
23 Chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common
24 ownership or control that includes more than one Large Venue that is contiguous with
25 other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section
26 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39)
27 shall apply to this Chapter.

28 . . .

Recovery means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

...

SB 1383 Regulations or 14 CCR means Title 14 of the California Code of Regulations, Division 7, Chapter 12: Short-lived Climate Pollutants, beginning with section 18981.1, as amended, supplemented, superseded and replaced from time to time.

Tier One Commercial Edible Food Generator means a Commercial Edible Food Generator that is one of the following:

1. Supermarket.

2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.

3. Food Service Provider.

4. Food Distributor.

5. Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

Tier Two Commercial Edible Food Generator means a Commercial Edible Food Generator that is one of the following:

(1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(2) Hotel with an on-site Food Facility and 200 or more rooms.

(3) Health facility with an on-site Food Facility and 100 or more beds.

(4) Large Venue.

(5) Large Event.

(6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(7) A Local Education Agency facility with an on-site Food Facility.

1 If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food
2 Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall
3 apply to this ordinance.

4 Section 2: Section 6.06.180 is hereby added to the Riverside Municipal Code as follows:

5 “6.06.180 – Requirements for Commercial Edible Food Generators

6 A. Tier One Commercial Edible Food Generators must comply with the
7 requirements of this Section commencing January 1, 2022, and Tier Two Commercial
8 Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR
9 Section 18991.3.

10 B. Large Venue or Large Event operators not providing food services, but
11 allowing for food to be provided by others, shall require Food Facilities operating at the
12 Large Venue or Large Event to comply with the requirements of this Section, commencing
13 January 1, 2024.

14 C. Commercial Edible Food Generators shall comply with the following
15 requirements:

16 1. Arrange to recover the maximum amount of Edible Food that would
17 otherwise be disposed.

18 2. Contract with, or enter into a written agreement with Food Recovery
19 Organizations or Food Recovery Services for: (i) the collection of Edible Food for
20 Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible
21 Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

22 3. Shall not intentionally spoil Edible Food that is capable of being
23 recovered by a Food Recovery Organization or a Food Recovery Service.

24 4. Allow the Enforcement Officer to access the premises and review
25 records pursuant to 14 CCR Section 18991.4.

26 5. Keep records that include the following information, or as otherwise
27 specified in 14 CCR Section 18991.4:

1 a. A list of each Food Recovery Service or organization that
2 collects or receives its Edible Food pursuant to a contract or written
3 agreement established under 14 CCR Section 18991.3(b).

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

6 c. A record of the following information for each of those Food
7 Recovery Services or Food Recovery Organizations:

8 i. The name, address and contact information of the Food
9 Recovery Service or Food Recovery Organization.

10 ii. The types of food that will be collected by or self-hauled
11 to the Food Recovery Service or Food Recovery Organization.

12 Iii. The established frequency that food will be collected or
13 self-hauled.

14 iv. The quantity of food, measured in pounds recovered
15 per month, collected or self-hauled to a Food Recovery Service or
16 Food Recovery Organization for Food Recovery.

17 6. No later than January 15 of each year commencing no later than
18 January 15, 2023 for Tier One Commercial Edible Food Generators and January
19 15, 2025 for Tier Two Commercial Edible Food Generators, provide an annual Food
20 Recovery report to the City that includes the following information:

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

24 b. A copy of contracts or written agreements between the
25 commercial edible food generator and a food recovery service or
26 organization.

1 c. A record of the following for each food recovery organization
2 or service that the commercial edible food generator has a contract or
3 written agreement with pursuant to Section 18991.3(b):

4 i. The name, address and contact information of the
5 service or organization.

6 ii. The types of food that will be collected by or self-hauled
7 to the service or organization.

8 iii. The established frequency that food will be collected or
9 self-hauled.

10 iv. The quantity of food collected or self-hauled to a service
11 or organization for food recovery. The quantity shall be measured in
12 pounds recovered per month.

13 D. Nothing in this Chapter shall be construed to limit or conflict with the
14 protections provided by the California Good Samaritan Food Donation Act of 2017, the
15 Federal Good Samaritan Act, or share table and school food donation guidance pursuant
16 to Senate Bill 557 of 2017 (approved by the Governor of the State of California on
17 September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9
18 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of
19 the Health and Safety Code, relating to food safety, as amended, supplemented, superseded
20 and replaced from time to time)."

21 Section 3: The City Council has reviewed the matter and, based upon the facts and
22 information contained in the staff reports, administrative record, and written and oral testimony,
23 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
24 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations,
25 Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical
26 change in the environment nor have a significant impact on the environment.

27 Section 4: The City Clerk shall certify to the adoption of this ordinance and cause
28 publication once in a newspaper of general circulation in accordance with Section 414 of the

1 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the
2 date of its adoption.

3 ADOPTED by the City Council this _____ day of _____, 2021.
4
5

6 _____
PATRICIA LOCK DAWSON
7 Mayor of the City of Riverside

8 ATTEST:
9

10 _____
COLLEEN J. NICOL
11 City Clerk of the City of Riverside

12 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
13 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on
14 the _____ day of _____, 2021, and that hereafter the said ordinance was
15 duly and regularly adopted at a meeting of the City Council on the _____ day of
16 _____, 2021, by the following vote, to wit:

17 Ayes:

18 Noes:

19 Abstain:

20 Absent:

21 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of
22 the City of Riverside, California, this _____ day of _____, 2021.
23
24

25 _____
COLLEEN J. NICOL
26 City Clerk of the City of Riverside

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