

CITY OF NORMAN

Community Resource Refrigerators

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Asst. City Attorney



Background


- Jan/Feb of 2021: Community Fridge begins operating on Main St.
- June 2021: Code Compliance received complaints about the fridge
- July 2021: Fridge on Main St. is removed and relocated as it does not comply with 10-204 & 10-205
- Second fridge on Lindsey St. brought inside building after Main St. relocation





Current Barriers


Section 10-204

- Current City Code only allows “attended” community fridges
 - Generally prevents community fridges from being placed outside
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Staff Assignment: Code Change

Staff assigned to draft ordinance that:

- (1) Allows operation of “unattended” community refrigerators similar to the ones that had been operating (i.e., exemption from 10-204); &
 - (2) Places safety regulations on operator of community refrigerators.
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Step One: What is a “Community Refrigerator”

Process:

- Aggregate data from community refrigerators across U.S.
 - Local Stakeholder interviews
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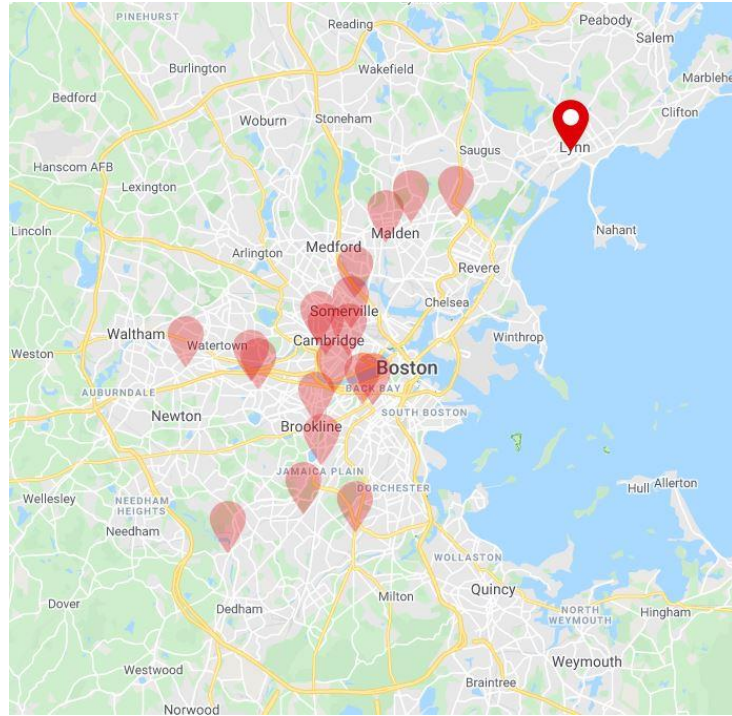
Step One: What is a “Community Refrigerator”



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Step One: What is a “Community Refrigerator”

- Basic characteristics
 - Goal of addressing local food insecurity
 - Most are outdoors
 - Monitored and stocked by community volunteers
 - Low barrier (i.e., no requirement to take or give)
 - Hosted on local private property or business
 - Mutual Aid Model – “Solidarity, not charity”
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- (2) Places safety regulations on operator of community refrigerators.


Tension





Assignment reframed

How can we draft an ordinance that:

- (1) Imposes safety regulations on community refrigerators
 - (2) In a way that still allows the operation of community refrigerators similar to the ones that had been operating
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Step Two: Regulatory Context

Other Municipalities:

- No other municipal regulation specific to community fridges
- At least one (Boston) has adopted informal guidance on how to operate


Oklahoma:


- No state health regulations “noncommercial”
 - Other barriers may exist – both generally and in fact-specific situations
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Step Three: Drafting

Overview:

- Exception included in Chapter 10 Sec. 10-204
 - New Article added in Chapter 13 that allows for a permit
 - Minimum safety guidelines and regulations (generally consistent with prior operations)
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10-204

Sec. 10-204. - Iceboxes, refrigerators, other appliances, a nuisance.

(a) No person shall keep, maintain, or allow on any premises owned or controlled by him, any abandoned, unattended or discarded icebox, refrigerator, or other container or appliance of any kind; and the continued existence of such abandoned, unattended or discarded articles shall constitute a public nuisance.

(b) Upon written notice by the City, the person keeping, maintaining, or allowing such an icebox, refrigerator, or container or appliance shall remove such nuisance.

(c) This section shall not apply to Community Resource Refrigerators that have a valid permit as set forth in Article XXXVI of Chapter 13 of the City Code.






Chapter 13: Licenses and Occupations

Sec. 13-3601. - Definitions.

Community Resource Refrigerator: A refrigerator located on private property that is openly accessible to the public and which serves as a point of direct distribution of food items to consumers without requiring anything of monetary value.

Public right-of-way: Any street or highway and property adjacent to streets and highways which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion; or any bridge, alley, sidewalk, pedestrian way, stairs or elevator which is dedicated to public use and over which the Federal, State or municipal government, or any agency, department or subdivision thereof, exercises control and dominion.



Requirements:

Sec. 13-3602 – 13-3604

- Permit required – no fee to apply
- Application requirements:
 - Basic identification info of property & property owner/lessee
 - Site plan with fridge location marked
 - Signed acknowledgement from property owner (if applicable)
 - Reference copy of their donation guidelines they intend to post
- Location
 - Private property
 - Nonresidential property

Safety requirements

Sec. 13-3606

- Must post donation guidelines to promote safe donation practices
- Daily temperature checks
- If outdoors, need an appropriate outdoor outlet and an in-use receptacle cover
- Other code requirements may apply depending on situation (fire code, building code, etc.)

Posting requirements

Sec. 13-3606

- Language designating the refrigerator as a community resource refrigerator.
- Donation guidelines
- Contact information, including a phone number, to contact in the event that the community resource refrigerator is nonfunctioning or is in need of service.
- Contact information for the City of Norman Code Compliance Department.

QUESTIONS?

