

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 10-204 TO EXEMPT REGISTERED COMMUNITY RESOURCE REFRIGERATORS; ADDING ARTICLE XXXVI COMMUNITY RESOURCE REFRIGERATORS, SECTIONS 13-3601 THROUGH 13-3606; ADDING DEFINITIONS, PERMIT REQUIREMENTS, PERMIT APPLICATION PROCEDURES, LOCATION REQUIREMENTS, SAFETY REQUIREMENTS, AND POSTING REQUIREMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Sections 10-204 of Chapter 10 of the Code of the City of Norman shall be amended to read as follows:

**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.

§ 2. That “Article XXXVI – COMMUNITY RESOURCE REFRIGERATORS” shall be added to Chapter 13 of the Code of the City of Norman as follows:

**Sec. 13-3601. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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.

**Section 13-3602. - Permit Required.**

No person shall operate or maintain a community resource refrigerator without complying with all provisions of this article and without having previously obtained a permit as provided in this chapter.

**Sec. 13-3603. - Application procedure for permit.**

(a) Contents of application.

- (1) The full name, address and telephone number of both the owner and lessee (if applicable) on whose premises the community resource refrigerator will be installed, operated, connected or maintained.
- (2) Address of property where the community resource refrigerator will be located.
- (3) Site plan of the subject property with proposed location of the community resource refrigerator clearly marked.
- (4) If the applicant is not the property owner, a signed acknowledgement from the property owner stating that the property owner consents to the proposed use of the property.
- (5) A copy of donation guidelines that the applicant intends to post on the community resource refrigerator to comply with the requirement of Section 13-3605(a).

(b) Review of application. The City Clerk and the Department of Planning and Community Development shall review the application to ensure:

- i. That the above content requirements have been met; and
- ii. That the chosen location of the community resource refrigerator is located on a nonresidential use property and does not extend onto the public right of way.

(c) No fee shall be required to file an application under this section.

**Sec. 13-3604. – Location requirements.**

All community resource refrigerators must be located on private, nonresidential use property.

**Sec. 13-3605. – Safety Requirements.**

- (a) All applicants for a community resource refrigerator permit shall implement and maintain appropriate donation guidelines that promote safe donation practices.
- (b) Daily temperature checks shall be taken to ensure that the inside temperature of the refrigerator is sufficient to maintain proper food safety.

(c) If placed outdoors, the refrigerator must be connected directly to an appropriate outdoor outlet which is protected by an in-use receptacle cover that protects the outlet from the elements and is capable of preventing the refrigerator from being unplugged.

**Sec. 13-3606. – Required information to be posted.**

The following shall be posted in a conspicuous place directly on the community resource refrigerator:

- (a) Language designating the refrigerator as a community resource refrigerator.
- (b) Donation guidelines that have been adopted pursuant to 13-3605(a).
- (c) Contact information, including a phone number, to contact in the event that the community resource refrigerator is nonfunctioning or is in need of service.
- (d) Contact information for the City of Norman Code Compliance Department.

§ 3. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

NOT ADOPTED this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Mayor)

ATTEST:  
  
\_\_\_\_\_  
(City Clerk)