



CITY OF NORMAN, OK
STAFF REPORT

MEETING DATE: 10/12/2021

REQUESTER: Norman City Council

PRESENTER: Anthony Purinton, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2122-17 UPON SECOND AND FINAL READING: 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.

BACKGROUND:

In early 2021, certain community members began operating a refrigerator outside of a local storefront for the purposes of providing free, donated food to anyone who needed it. After about six months of operation, City staff received several complaints related to the refrigerator and, upon investigation, provided notice that the refrigerator was not compliant with multiple City Code provisions, namely 10-204, which prohibits any unattended appliances. City staff were asked to draft an ordinance that would amend Section 10-204 of the City Code to allow these “Community Resource Refrigerators” to operate. City staff were also asked to draft regulatory code provisions to ensure minimum compliance and safety standards. Ordinance O-2122-17 was presented first to the Business and Community Affairs Council Sub-Committee on September 2, 2021, and to the full Council during its Council Conference on September 14, 2021.

DISCUSSION:

Attached is Ordinance O-2122-17, which proposes adding permitting requirements for community resource refrigerators, as well as changes to Section 10-204 that excepts community refrigerators that have a valid City permit from the general prohibition on unattended appliances.

City staff consulted with community stakeholders and relevant city enforcement officials prior to drafting the proposed language. The resulting proposed ordinance attempts to balance the need for minimum regulatory requirements to ensure safe operation and the ability for community

members to engage in these volunteer efforts that provide low-barrier access to donated food. There is a definite tension between those two needs, as increased safety requirements and regulations increase the cost of establishing community refrigerators, which may make the endeavor cost-prohibitive.

Key elements of the proposed ordinance are as follows:

Changes to Section 10-204.

As stated, Section 10-204 currently prohibits unattended appliances. The proposed language adds subsection (c), which exempts “Community Resource Refrigerators” that have a valid permit under the newly-added Article 36 in Chapter 13 of City Code. This exemption allows operation of community refrigerators, provided the requirements of Article 36 are met.

Addition of Article XXXVI – Community Resource Refrigerators

Basic regulatory and safety guidelines are proposed by adding Article 36 to Chapter 13, Licenses and Occupations. This Article provides the requirement for a City-issued permit, the permitting procedure, and necessary safety and location requirements.

Permit applications would have five basic requirements:

1. Identification of applicant, property owner, and lessee;
2. Address of the proposed location;
3. A site plan with the proposed refrigerator location clearly marked (site plans are easily obtainable by accessing the interactive map on the City’s website);
4. A signed acknowledgement from the property owner (if applicable), stating that they consent to the proposed use of the property; and
5. A copy of the donation guidelines that the applicant plans to post on the refrigerator (for assurance that guidelines have been contemplated and will be in place once operational)

Once the application is received, the City Clerk and the Department of Planning and Community Development will review the application to ensure that the application meets the requirements and the proposed location does not extend into a right of way. As community refrigerators are, by definition, intended to be donation locations and are not commercial in nature, no fee is required to submit an application.

Additionally, the proposed language requires that the community refrigerators be on private, nonresidential zoned property. Allowing community refrigerators on public property is not advisable due to potential risk of liability. To ensure compliance with certain requirements of the fire code, outdoor outlet protectors are required and the language does not allow for the use of extension cords. Of course, each situation will be different, so applicants should take steps to ensure that the proposed location and operation are in compliance with all fire prevention requirements prior to beginning operation.

In regard to food safety, the proposed language simply requires that donation guidelines be implemented and physically posted on each community refrigerator for the purposes of promoting safe donation practices. This eliminates the need for City enforcement to monitor food donations that are deposited in each refrigerator. No specific or set food safety regulations are proposed since there are no State regulations that would apply to non-commercial food

establishments. Self-regulation of these community refrigerators are expected, which is why there is also a requirement that a contact number be posted on the refrigerator, in the event that an issue needs to be addressed. However, the City would still have the ability to address any public safety hazards that result from a failure of the expected self-regulation and enforcement, pursuant to Section 10-203.

CONCLUSION:

Staff recommended adoption of Ordinance O-2122-17.