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February 4, 2025

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Second Reading (by title only) and Adoption of Ordinance 410-2025 Amending Section §8.35.040 of the Rio Dell Municipal Code (RDMC) Pertaining to Requirements for Commercial Edible Food Generators to Include Authority for the County of Humboldt Division of Environmental Health to Charge Fees for Service

IT IS RECOMMENDED THAT THE CITY COUNCIL:

- 1.) Allow staff to re-introduce the Ordinance; and,
- 2.) Open and receive public comment; and,
- 3.) Close public comment; and,
- 4.) Direct staff to make any changes to the draft ordinance if necessary and continue to the next Regularly Scheduled meeting; or,
- 5.) Adopt Ordinance 410-2025 amending Section §8.35.040 of the Rio Dell Municipal Code.

BACKGROUND AND DISCUSSION

SB1383- California's Short Lived Climate Pollutant bill aims to reduce methane emissions from the landfill and rescue 20% of edible food statewide. This new state mandate requires that cities adopt an enforceable ordinance to implement SB1383 requirements locally.

Ordinance No. 395 was adopted in 2022 to meet the requirements of SB 1383. The law requires "Edible Food Generators" be inspected annually by the responsible jurisdiction, in this case the City of Rio Dell. However, the City lacks the staff and subject matter expertise to conduct such inspections. Staff proposes to engage in an MOU with the County of Humboldt Division of Environmental Health to conduct these inspections on behalf of the City. The County is offering these services to all the incorporated jurisdictions within the county and staff anticipates that all other cities will engage in a similar MOU.

Ordinance No. 410-2025 will authorize the County of Humboldt Division of Environmental Health to require edible food generators to register and allow the County to assess and collect fees for the program. The Division is funded by and provides services through fee assessments.

Edible Food Generators are defined in RDMC §8.35.030 as certain business types that handle food and are therefore required to donate excess edible food fit for human consumption. The inspection verifies they are complying with RDMC §8.35.040.

At this time, there is only one edible food generator within the City of Rio Dell that meets the current criteria for required inspection under the law: the Rio Dell School District.

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**ORDINANCE NO. 410-2025**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING SECTION 17.30.340 OF THE RIO DELL MUNICIPAL CODE (RDMC)  
PERTAINING TO REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS  
TO INCLUDE AUTHORITY FOR THE COUNTY OF HUMBOLDT DIVISION OF  
ENVIRONMENTAL HEALTH TO CHARGE FEES FOR SERVICE**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS** SB 1383 requires local jurisdictions throughout the State, including the City, adopt an ordinance or other similarly enforceable mechanism to mandate that organic waste generators (those who create organic waste, including residents and businesses), haulers, and others comply with SB 1383 Regulations to divert organic waste and edible food from landfills; and

**WHEREAS** the City Council of the City of Rio Dell adopted Ordinance No. 395-2022 in order to meet the requirements of SB 1383; and

**WHEREAS** SB 1383 also requires annual inspection of "Edible Food Generators" within the City of Rio Dell; and

**WHEREAS** the creation of a Memorandum of Understanding with the County of Humboldt Division of Environmental Health is the most efficient and effective manner in which to conduct certain required inspections for "Edible Food Generators"; and,

**WHEREAS** in order for the County of Humboldt Division of Environmental Health to conduct these inspections they require an amendment to RDMC to authorize the required registration of and inspection of “Edible Food Generators.”

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.**

Section 17.30.340 of the Rio Dell Municipal Code is hereby amended as follows:

**8.35.040 Requirements for commercial edible food generators.**

- (1) Tier one commercial edible food generators must comply with the requirements of this section commencing January 1, 2022, and tier two commercial edible food generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- (2) 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, or such later deadline established by State law or regulations.
- (3) Commercial edible food generators shall comply with the following requirements:
  - (a) Arrange to safely recover for human consumption the maximum amount of edible food that would otherwise be disposed.
  - (b) Enter into a contract or other written agreement with food recovery organizations or food recovery services for:
    - (i) The collection for food recovery of edible food that would otherwise be disposed; or
    - (ii) Acceptance of edible food that would otherwise be disposed that the commercial edible food generator self-hauls to the food recovery organization for food recovery.
  - (c) Use best efforts to abide by all contractual or written agreement requirements specified by the food recovery organization or food recovery service on how edible food should be prepared, packaged, labeled, handled, stored, distributed or transported to the food recovery organization or service.

(d) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.

(e) Not intentionally spoil edible food that is capable of being recovered by a food recovery organization or a food recovery service.

(f) Allow the enforcement agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.

(g) Register with the County of Humboldt Division of Environmental Health as an Edible Food Generator. Commercial Edible Food Generator Registration will require an annual fee in an amount to cover costs, as set by resolution or ordinance of the Humboldt County Board of Supervisors. No part of the registration fee shall be refundable. Registered Edible Food Generators shall submit to annual inspection by the County of Humboldt Division of Environmental Health for compliance with this Section.

(h) 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 food recovery 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 and written agreements established under 14 CCR Section 18991.3(b) and/or this chapter.

(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.

(iv) If it has not entered into a contract or written agreement with food recovery organizations or food recovery services pursuant to subsection (3)(b) of this section, a record that describes:

(A) Its direct donation of edible food to end recipients (including employees); and/or



(B) Its food waste prevention practices that result in it generating no surplus edible food that it can donate.

(i) Tier one commercial edible food generators and tier two commercial edible food generators shall provide, upon request, a food recovery report to the enforcement agency that includes the information in subsection (3)(g) of this section. Entities shall provide the requested information within 60 days of the request.

(4) Nothing in this chapter shall be construed to limit or conflict with:

(a) 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 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section [49580](#) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section [114079](#) of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or

(b) Otherwise applicable food safety and handling laws and regulations.

(5) Nothing in this chapter prohibits a commercial edible food generator from donating edible food directly to end recipients for consumption, pursuant to Health and Safety Code Section [114432](#)(a).

(6) The enforcement agency for the provisions of this section is the City of Rio Dell. [Ord. 395 § 4, 2022.]

## **Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## **Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

#### Section 4. Effective Date

This ordinance becomes effective thirty (30) days after its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on January 21, 2025, and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on February 4, 2025, by the following vote:

AYES:           None

NOES:           None

ABSENT:       None

ABSTAIN:       None

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Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 410-2024 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on February 4, 2025.

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Karen Dunham, City Clerk, City of Rio Dell