



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

FILED
DEC 29 2022

PURSUANT TO ROH Sec. 1-2.4

ORDINANCE _____

BILL **98 (2020)**

A BILL FOR AN ORDINANCE

RELATING TO FOOD WASTE RECYCLING.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to address food waste recycling requirements for food establishments.

SECTION 2. Section 9-3.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 9-3.5 Food waste recycling.

- (a) The owners of the following food establishments located within the City and County of Honolulu shall: (i) arrange and provide for the separate collection of food waste and for its recycling by a recycling facility in the city; or (ii) separate food waste from all other solid waste generated by the food establishment and deliver the food waste to a recycling facility:
- (1) A restaurant that occupies 5,000 square feet or more of floor area and serves 400 or more prepared meals per day based on an annualized average. If a restaurant is also a catering establishment, it shall be considered a restaurant for purposes of this section. If a restaurant has on its premises a place where the primary method of service, for all mealtimes, is food and drink orders taken and served to customers at a self-service counter, that portion of the premises devoted to the taking and serving of such food and drink orders, and any dining area serving customers of such self-service counter, shall not be counted in determining the square feet of the restaurant or the number of prepared meals served by the restaurant.
 - (2) A food court as defined in subsection ~~[(g)-(f)]~~. The company or entity that manages the shopping center or building where the food court is located shall be required to comply with the requirements of this section unless the owners of the food establishments in the food court are responsible for the disposal of their refuse, in which case the owners of those establishments shall be responsible for complying with this section.
 - (3) A hotel with a kitchen or kitchens and one or more function rooms. For the purposes of this subdivision, a "kitchen" means that place which is not part of a restaurant and where food is prepared for hotel employees or functions on the hotel's premises.



A BILL FOR AN ORDINANCE

- (4) A market that occupies 18,000 square feet or more of floor area.
- (5) A food manufacturer or processor that occupies 5,000 square feet or more of floor area.
- (6) A catering establishment that is not also a restaurant or part of a restaurant and which serves or sells 400 or more prepared meals per day based on an annualized average.
- (7) A hospital ~~[which]~~ that serves 400 or more prepared patient meals a day based on an annualized average.

~~[For the purposes of this subsection, for the first year following January 1, 1997, the annualized average number of prepared meals served or sold per day by a food establishment shall be the average number of meals prepared per day in the year prior to January 1, 1997, for food establishments that have been in existence for one year or more prior to January 1, 1997.]~~ For establishments that have not been in existence for ~~[that length of time]~~ a year prior to January 1~~[- 1997,]~~ of the current year, the annualized average shall be determined based on the number of prepared meals served or sold per day ~~[during the first year that the food establishment has been in existence following January 1, 1997.]~~ from its opening through December 31 of the previous year. Except as provided above, establishments shall use the prior year's average number of prepared meals served or sold per day in determining whether they are required to recycle their food waste in accordance with this section.

- (b) This section shall not apply to any church or nonprofit organization except a hospital, as provided in subsection (a). Further, this section shall not apply to any food service establishment ~~[which]~~ that offers as the primary method of service, for all mealtimes, food and drink orders taken at and served to the customer at a self-service counter; provided that this exemption shall not apply to food establishments in markets or establishments in a food court.
- (c) The requirement to recycle food waste under this section shall be applicable only to the food waste from kitchens and food preparation, handling, and manufacturing or processing areas, and from dining areas where customers are served by waiters or waitresses, or where tables or meals are cleared away by employees of the business or establishment.

The requirement of this subsection shall not apply to commercial cooking oil waste or commercial FOG waste. Instead, the removal, transport, and disposal of such waste shall be subject to Chapter 14, Article 5A.



A BILL FOR AN ORDINANCE

- (d) A food establishment that is required to recycle food waste under this section may combine such waste with that of other establishments, or may separately collect and recycle its own food waste.
- (e) ~~[All food establishments otherwise required to recycle food waste under this section shall not be required to do so if the disposal charge for disposing of food waste at a recycling facility in the city, including the cost of transporting the food waste to the facility, exceeds the tipping fee or disposal charge for disposing of waste at the HPOWER facility, as provided in Section 9-4.2, plus the cost of transporting refuse to such facility. The chief shall make this determination.~~
- (f) The owner of a food establishment that is otherwise required to recycle food waste may petition the chief to suspend the applicability of this section to the applicant if the applicant demonstrates that recycling service for food waste is unavailable to the applicant. If the chief grants the application, the requirements of this section shall be suspended until such time as recycling service becomes available to the applicant. The chief shall, from time to time, review the availability of recycling service to food establishments for which the requirements of this section have been suspended. If the chief determines that recycling service is available and that the requirements of this section shall no longer be suspended with regard to a particular food establishment, the chief shall notify the owner of the establishment by registered mail and that owner shall be required to recycle food waste in accordance with this section within sixty days of receipt of the notice.

The chief may also, on the chief's own initiative, suspend the requirements of this section:

- (1) During the period of a work stoppage or any other interruption of recycling collection service to the food establishments that are subject to this section; or
- (2) Whenever the chief determines that there are inadequate recycling facilities or there is inadequate recycling capacity to dispose of the food waste being collected pursuant to this section.

~~(g)~~(f) For the purposes of this section:

"Catering establishment" means the same as defined in Section 21-10.1.

"Composting facility" means an establishment that conducts either major or minor composting operations, as defined in Section 21-10.1.



A BILL FOR AN ORDINANCE

"Food bank" means a facility that receives donations of food for redistribution to needy groups, individuals or families.

"Food court" means an area within a building or shopping center where five or more food establishments are situated and serviced by a common dining area.

"Food establishment" means a catering establishment, food court, food manufacturer or processor, hospital, hotel, market, or restaurant.

"Food manufacturer or processor" includes an establishment that generates food waste and is primarily involved in the manufacture or processing of food products, including animal products, but excluding baked goods.

"Food waste" means the same as that term is defined under the definition of "recyclable materials" in Section 9-1.2.

"Function room" means an area within a hotel where events are held at which food is served, including but not limited to wedding receptions, business meetings, conferences, banquets, and parties.

"Hospital" means the same as defined in Section 21-10.1.

"Hotel" means the same as defined in Section 21-10.1.

"Market" includes establishments where fresh meat, fish, or produce is prepared, handled, and displayed for sale at retail or wholesale.

"Meal" includes any food item or items served as an entree at breakfast, lunch, or dinner, but excludes beverages and desserts, if the beverages or desserts are served by themselves and not part of a breakfast, lunch, or dinner.

"Prepared meals" means meals that have been cleaned, cooked, or otherwise prepared on the premises of the food establishment, and shall exclude prepackaged meals that are cooked or otherwise prepared elsewhere and only sold on the premises of the establishment. "Prepared meals" includes meals [a-~~portion~~] of which [have] a portion has been precooked or prepared off the premises of the establishment.

"Recycling facility" includes a composting facility, waste bioconversion facility, rendering facility, pig farm, or other agricultural facility that uses food waste as animal feed or for other agricultural use, or any other facility that recycles food waste and is approved by the director for that purpose.



A BILL FOR AN ORDINANCE

"Recycling service" is a service or collection of services that includes the collection and transportation of food waste to a recycling facility by a refuse hauler or other company that collects the food waste, and the recycling or reuse of that food waste by a recycling facility, which may or may not be operated by the company that collects and transports the food waste.

"Rendering facility" means an establishment that converts kitchen grease, cooking oils, meat scraps, or other slaughterhouse waste, waste from meat processing plants, or any combination of the foregoing items, for use in the manufacture of such products as cosmetics, detergents, plastics, paints, tires, and animal feed products.

"Restaurant" means a place of business where food is served for compensation and includes the kitchen or food preparation area of that place of business, but excludes any portion of the establishment that is a bakery serving baked goods for consumption on or off the premises of the restaurant and excludes a quick-serve food service establishment ~~which~~ that offers as the primary method of service, for all mealtimes, food and drink orders taken at and served to the customer at a self-service counter.

"Waste bioconversion facility" means a facility where food and other organic waste are converted into useable byproducts.

~~(h)~~(g) The department may adopt rules in accordance with HRS Chapter 91, having the force and effect of law, for the implementation, administration, and enforcement of this section.

~~(i)~~(h) Upon presentation of proper credentials, the director or the director's duly authorized representative~~;~~ may enter at reasonable times any building or premises of a food establishment and inspect the books and records of a food establishment to determine compliance with the requirements of this section; provided that such entry and inspection shall be made in such a manner as to cause the least possible inconvenience to the persons in possession of the property and the owners of the food establishment; and provided further that an order of a court authorizing such entry and inspection shall be obtained prior to entry or inspection in the event that such entry or inspection is denied or resisted by the persons in possession or owners of the food establishment.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 98(2020)

A BILL FOR AN ORDINANCE

~~[(i)](i)~~ ~~[On January 1, 1997, and quarterly thereafter:]~~ For each calendar quarter:

(1) ~~[each]~~ Each waste bioconversion facility in the city shall report to the refuse division on:

~~[(a) how]~~ (A) How much private refuse haulers or other companies are being charged as of the end of the quarter being reported, per unit of weight or volume, for disposing of food waste at the bioconversion facility, and how much the facility is charging per unit of weight or volume, if the facility both collected and disposed of food waste from a food establishment; and

~~[(b) the]~~ (B) The amount of food waste, per unit of weight or volume, that the facility recycled during the previous quarter; and

(2) ~~[each]~~ Each refuse hauler or other company that collects and transports food waste shall report to the refuse division on how much, per unit of weight or volume, the hauler or company charged food establishments as of the end of the quarter being reported to collect and dispose of their food waste.

~~[(k)](i)~~ Nothing in this section shall preclude a food establishment from donating leftover or unsold food that is safe to consume to a food bank."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE

BILL 98 (2020)

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval

INTRODUCED BY:

Alan Kotayoshi

DATE OF INTRODUCTION:

DEC 29 2020

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

Mayor
City and County of Honolulu

FILED
DEC 29 2022
PURSUANT TO ROH Sec. 1-2.4