



Legislation Details (With Text)

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**Title:** Single Use Plastic and Polystyrene Products Ordinance Draft (B)

**Sponsors:**

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**Attachments:** 1. 200551B\_Plastic Straw Ordinance Biodegradable Straw Revision\_20201208, 2. 200551C\_Berkely\_Food\_Ware\_Ordinance\_20201208, 3. 200551D\_FL Model EPS Ordinance\_20201208, 4. 200551E\_FLL PS Ordinance\_20201208, 5. 200551A\_SubCommittee\_Single\_Use\_Plastics\_20201208, 6. 200551F\_LA Times Plastic Bottle Article\_20201208, 7. 200551G\_NYC Plastic Bottle Ban\_20201208, 8. 200551H\_Polystyrene & Plastic Bags 1.2.2020\_12.08.20, 9. 200551A\_BerkleyMunicipal Code\_Single Use Ord\_7639\_20210119, 10. 200551B\_Martin County-CA\_drafted Reusable Ord\_Ch 7-25\_20210119, 11. 200551C\_Sub Committee\_Accessories\_20210119, 12. 200551D\_SF Ordinance-SingleUse File No 181004\_20210119, 13. 200551M\_Sub Committee\_Glitter & Plastic Confetti\_updated 2-23-2021\_2021\_03\_02, 14. 200551N\_SubCommittee\_Accessories upon request\_2021\_3-30, 15. 200551O\_Ordinance prohibiting expanded polystyrene containers\_2021\_04\_13, 16. 200551P\_Ordinance\_20210511

Date	Ver.	Action By	Action	Result
5/11/2021	6	Zero Waste Subcommittee	Approved, as shown above - See Motion(s)	Pass
4/27/2021	6	Zero Waste Subcommittee	Approved, as shown above	Pass
3/30/2021	4	Zero Waste Subcommittee	Approved as shown above (See Motion)	Pass
3/2/2021	3	Zero Waste Subcommittee	Approved as shown above (See Motion)	Pass
1/19/2021	2	Zero Waste Subcommittee	Approved as shown above (See Motion)	Pass
12/8/2020	1	Zero Waste Subcommittee	Approved, as shown above - See Motion(s)	Pass

**Single Use Plastic and Polystyrene Products Ordinance Draft (B)**

Public Works Community Builders gave several presentations on 1) prohibiting polystyrene on city property, 2) reducing single use food accessories in the waste stream by prohibiting food vendors from automatically distributing such accessories with a food order, and 3) banning release of glitter, balloons, and confetti. Staff, along with the City Attorney’s office, has prepared a draft ordinance for the Zero Waste Subcommittee’s consideration. Staff from various city departments and offices, including Public Works, GPD, Code Enforcement, Parks & Recreation, and Purchasing have been consulted and will offer their recommendations. Changes to city Purchasing Policy and Real Estate Policy will be included in a separate agenda discussion item.

State law preempts municipalities from banning polystyrene citywide, but does allow cities to regulate polystyrene on city property. There is a broader statutory preemption for plastic bags. This draft ordinance will ban those who are required to obtain a permit, agreement, or authorization to use city property from using

polystyrene. Those regulated will include, but not be limited to, vendors on city property and groups who rent park pavilions and city facilities. Violations will be enforced by civil citation. Part of the reason for limiting the ordinance to this category of persons is that it will be easier to communicate the ban to someone who is required to go through a formal process to use city property. Citing a casual park-goer who brings food in polystyrene into a city park or asking the person to leave seemed harsh to staff. An alternative might be for staff to do an educational campaign to stop people from using polystyrene. Staff also considered whether to revoke the permit/agreement, not renew a permit, or shut down an event or vendor if they violate the ordinance. Staff thought this could be viewed as negative customer service from perspective of the permittee and would have a negative effect on event participation. Although the ordinance in its present form has a civil citation as the enforcement mechanism, the Zero Waste Subcommittee should consider the amount of staff time and resources necessary for enforcement.

This ordinance also bans balloon, confetti, and glitter release modeling after state statute. This ordinance will also be enforced by civil citation. Staff suggests that the Zero Waste Subcommittee consider whether educating the public on the negative environmental effects of balloon, confetti, and glitter is a more effective way of preventing the release of these materials instead of an ordinance. An ordinance can only be enforced after the materials have been released and does not address clean-up of the materials after release. Staff recommends the Subcommittee to consider whether releasing these materials occurs frequently enough to merit an ordinance and staff resources to enforce the ordinance.

This ordinance prohibits food vendors from providing single use food accessories, such as condiments, utensils, etc. to customers as part of a dine-in, take-out, or delivered food order unless the customer requests the accessory or there is a self-serve station. The Zero Waste Subcommittee should consider how assigned staff would discover violations and the staff time and resources necessary for enforcement.

This ordinance is in draft form. It should be brought to the full Commission for discussion prior to advertising for first reading.

#### Strategic Connection

Goal 2: Sustainable Community and is a normal priority item.

There is no fiscal impact with this item.

The Zero Waste Subcommittee: 1) discuss draft ordinance; 2) hear comments from staff; and 3) provide direction as appropriate.