



Legislation Details (With Text)

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On agenda: 5/11/2021 **Final action:** 4/27/2021
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.