

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GLENDALE AMENDING TITLE 8, CHAPTER 8.42 OF THE GLENDALE MUNICIPAL CODE, 1995, TO AMEND AND RESTATE THE CITY'S ADOPTED PROHIBITIONS ON THE USE OF POLYSTYRENE PRODUCTS AND SINGLE-USE PLASTICS

WHEREAS, on April 6, 2021, the City Council adopted Ordinance No. 5964 regulating the use of polystyrene and single-use plastics which was principally focused on prohibiting the use of non-compostable disposable foodware in city departments, and by city contractors, agents, and employees at certain city events; and

WHEREAS, Ordinance No. 5964 also required food and beverage providers serving food at a city event to provide compostable disposable straws and utensils upon request only, and allowed food and beverage providers to dispense plastic straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services at city events; and

WHEREAS, on September 21, 2021, the City Council adopted Ordinance No. 5973 implementing regulations on the distribution of disposable foodware accessories by food and beverage facilities in the City; and

WHEREAS, on January 10, 2023, the City Council considered the introduction of a comprehensive plastic waste reduction ordinance that would repeal and replace Ordinance No. 5964 regulating "Polystyrene and Single Use Plastics" set forth in Glendale Municipal Code, 1995, Chapter 8.42; and

WHEREAS, the City Council also directed staff to amend Chapter 8.42 to extend certain regulations on the use of polystyrene products to a city-wide basis and to undertake certain public education programs; and

WHEREAS, on November 14, 2023, the Council adopted Ordinance No. 6015 to prohibit the use of Polystyrene Products and Single Use Plastics, which became effective on December 14, 2023, and simultaneously directed staff to conduct targeted outreach; and

WHEREAS, subsequent to the 2023 adoption of Ordinance No. 6015, staff through its consultant, ReCREATE, visited 139 businesses and conducted 89 surveys throughout the City and obtained feedback on regulations that

businesses can effectively implement. ReCREATE conducted two rounds of surveys, two webinars, four presentations to city chambers and one vendor fair; and

WHEREAS, this ordinance reflects refinements to the polystyrene and single use plastics regulations based on direction from the City Council and consultation with businesses and public outreach in order to assure effective implementation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Title 8 of the Glendale Municipal Code, 1995, Chapter 8.42 is hereby amended and restated in its entirety to read as follows:

CHAPTER 8.42

POLYSTYRENE AND SINGLE-USE PLASTIC PRODUCTS

- 8.42.010 Purpose and findings.**
- 8.42.020 Definitions.**
- 8.42.030 Prohibition on use of non-compostable food service ware at city facilities and city events.**
- 8.42.035 Prohibition on the use, distribution or sale of polystyrene foodware, coolers, packing materials, egg cartons, and produce, meat and fish trays.**

- 8.42.040 Dining on the Premises**
- 8.42.045 Single Use Foodware Standards**
- 8.42.050 Prohibition on Use and Distribution of Single- Use Plastic Straws, Stirrers and Utensils**
- 8.42.055 Distribution of Disposable Foodware Accessories Only Upon Request**

- 8.42.060 Single-use beverage bottles.**
- 8.42.065 Exemptions.**

8.42.070 Appeals.

8.42.075 Violations and penalties.

8.42.010. Purpose and findings.

The City Council finds and declares that:

- A. As set forth in California Public Resources Code Section 42355, the state Legislature recognized that littered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs.
- B. The state Legislature further declared its intent to ensure that environmental marketing claims, including claims of biodegradation of plastics, do not lead to an increase in environmental harm associated with plastic litter by providing consumers with a false belief that certain plastic products are less harmful to the environment.
- C. Plastics synthesized from petroleum and natural gas do not biodegrade. Even with the emergence of bioplastics, which are derived from renewable biomass sources, such as plants and microorganisms, there is no certified type of bioplastic that biodegrades in a marine environment.
- D. Despite continued efforts, and the current availability of non-plastic, compostable alternatives, the city continues to see littered plastic, namely plastic straws, stirrers, takeout containers, cups, lids and cutlery. Plastic straws, stirrers, take out containers, cups, lids and cutlery are generally made from polystyrene or polypropylene. The city intends to set a positive example through the adoption of this ordinance, that all disposable, single use foodware, as defined herein, at city- managed events, city run concessions and city-sponsored events where prepared food is served, must be compostable to reduce or eliminate the amount of disposable foodware sent to the landfill and the amount of plastic pollution in the ocean.
- E. Adoption of refined standards prohibiting the use, distribution or sale of polystyrene foodware, coolers, packaging materials, egg cartons, and produce, meat and fish trays will assure implementation is clear and effective.

8.42.020. Definitions.

“Affected Retail Establishment” means any retail establishment located within or doing business within the geographical limits of the city.

“Aseptic Paper Packaging” means shelf-safe packaging that typically contains layers of paper, plastic, and aluminum.

“Beverage” means a consumable drink in a sealed box, bag, can, bottle, or other container of any size, and including, but are not limited to, alcohol, coffee, energy drinks, milk, soy milk, nut milk, juice, soda, soft drinks, sports drinks, tea, yogurt drinks, water, carbonated water, and flavored water.

“Beverage Provider” means any business, organization, entity, group, or individual that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to its members or to the public for consumption.

“Bioplastic” means a type of biodegradable plastic derived from biological substances rather than from petroleum.

“City” means the city of Glendale, California, a municipal corporation.

“Citywide” means including or involving all parts of the city.

“City concession” means a concession that is either operated by city employees, that is permitted by the city and operated by third-parties, or is a concessionaire hired by the city.

“City contractor” means any person that enters into an agreement with the city to furnish products or services to or for the city.

“City facility” means any building, structure, property, park, open space, or vehicle, owned or leased by the city.

“City event” means collectively, any city-managed event, city concession, city-sponsored event, as defined herein, or city meeting that is organized, operated, managed or sponsored, in whole or in part, by the city or any department of the city.

“City-managed event” means any event located at a city facility which the city manages and or operates either directly through city employees or through a vendor hired by the city.

“City-sponsored event” means any event, activity or meeting organized or sponsored, in whole or in part by the city or any department of the city.

Compostable” means a product that is free of all intentionally added fluorinated chemicals, including, but not limited to, per- and polyfluoroalkyl substances (PFAS) in accordance with Part 3 of Division 104 Section 109000 of the

California Health and Safety Code; and that satisfies one of the following additional requirements:

- a. Consists entirely of non-synthetic, paper or plant fiber-based material, free of any plastic component, that will promptly and safely break down;
- b. Is certified as "home compostable" by a certifying organization acceptable to the city manager or designee in accordance with Part 3 of Division 30 Section 42357 of the Public Resources Code; or
- c. Is certified as "compostable" by a certifying organization acceptable to the city manager or designee.

"Customer" means any person obtaining goods from an affected retail establishment, vendor or non-profit vendor.

"Disposable foodware" or "Disposables" means single-use products used for serving, consuming or transporting prepared food and or beverage (excepting sealed, pre-packaged beverages, e.g., water bottles), including, but not limited to, clamshells, pizza boxes, plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, straws, lids, cutlery, utensils, stirrers, lid plugs (splash sticks), or any container in or on which prepared food or beverages are placed, packaged or served for consumption. Disposable foodware or Disposables does not include beverage containers that are subject to the California Redemption Value ("CRV") in accordance with the California Beverage Container Recycling and Litter Reduction Act, Public Resources Code section 14500, et seq., and does not include items, such as ketchup bottles and pickle barrels, that are not intended for a single-use but that would nevertheless be considered single-use foodware under California Health and Safety Code section 113914 because they do not meet specified materials, durability, strength, and cleanability specifications.

"Food or beverage provider" means any business, organization, entity, group or individual, that provides or sells prepared food.

"Food or Beverage Facility" means a physical location in the City where a food or beverage provider sells or otherwise provides prepared food or beverages for consumption on or off its premises, and includes, but is not limited to, a shop, sales outlet, restaurant, bar, pub, coffee shop, coffee stand, juice and/or smoothie bar, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, farmers market, theater, mobile food truck, roadside stand, kiosks, carts or a vendor or any organization, group, or individual that regularly provides, prepared food or beverages as part of its service.

“Foodware” or **“Food service ware”** means all containers, utensils, bowls, plates, food trays, cups, lids, boxes, and other like items that are used for prepared foods, including without limitation, foodware for takeout foods and or leftovers from partially consumed meals prepared by food or beverage providers.

"Liners" any disposable sheet used as a tray-liner, basket-liner, plate-liner, or for handling of baked goods for the purpose of maintaining a barrier against a reusable foodware item.

"Non-Profit vendor" means a recognized tax-exempt organization which provides goods as a part of its services.

“Person” means any person, business, corporation, or event organizer or promoter; public, non-profit or private entity, agency or institution; or partnership, association, or other organization or group, however organized.

“Plastic beverage bottle” means any formed or molded beverage container comprised predominantly of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and intended primarily as a single-service container.

"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including, but not limited to, rigid polystyrene and expanded polystyrene, processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a resin code.

“Polystyrene Cooler” means any cooler or ice chest made of polystyrene material, where such material is not fully encased in another durable material.

"Prepared food and beverages" means any food or beverage prepared using any cooking or food preparation technique which is offered for consumption Citywide.

"Produce tray" means any tray or carton for vegetable, fruit, or eggs sold to consumers from a refrigerator case or similar retail appliance.

"Raw food" means any uncooked meat, fish, poultry, vegetable, fruit, or egg.

"Recyclable" means material that can be sorted, cleansed, and reconstituted

using the city's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Resin code” means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

“Retail establishment” means any commercial business facility that sells goods directly to the ultimate consumer including, but not limited to, grocery stores, pharmacies, liquor stores, "mini-marts," and retail stores and vendors selling clothing, food and personal items.

“Reusable Foodware” means a multiservice utensil as defined in California Health and Safety Code section 113837; it includes foodware used for serving and consuming prepared food or beverages, including, but not limited to, plates, bowls, trays, condiment containers, cups or drink ware, and accessories, such as cutlery, that is manufactured from durable materials and that is specifically designed to be cleaned after each use and reused.

“Single-Use Articles” or Single-Use Foodware” as defined by California Health and Safety Code section 113914, mean utensils, tableware, carry-out utensils, bulk food containers, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use, after which they are intended for discard. “Single-use articles” also include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans that do not meet the materials, durability, strength, and cleanability specifications for utensils under California Health and Safety code sections 114130, 114130.1, and 114130.3. Single-Use articles or foodware does not include beverage containers that are subject to the California Redemption Value (“CRV”) in accordance with the California Beverage Container Recycling and Litter Reduction Act, Public Resources Code section 14500, et seq. In addition, for purposes of this article, Single-Use Foodware article does not include items, such as ketchup bottles and pickle barrels, that are not intended for a single-use but that would nevertheless be considered Single-Use Foodware under California Health and Safety Code section 113914 because they do not meet specified materials, durability, strength, and cleanability specifications.

“Single use plastics” means any plastics and goods that are derived primarily from fossil fuel-based chemicals (petrochemicals) and are meant to be used once and disposed.

"Vegetable, meat or fish tray" means a polystyrene tray used for raw food sold to consumers from a refrigerator case or similar retail appliance.

"Vendor" means any store, shop, restaurant, sales outlet, mobile food vendor, pushcart, or other commercial establishment located within or doing business within the city which provides perishable or nonperishable goods.

"Wrapper": any disposable food sheet, wrapper, sleeve, sandwich wrap, burrito wrap, gyro wrap, or food wrap intended to maintain the shape or freshness of a prepared food.

8.42.030. Prohibition on use of non-compostable non-recyclable foodware at city facilities and city events.

- A. Except as otherwise provided in this chapter, all disposable foodware that food or beverage providers use to serve prepared food and beverages at a city event must be compostable or recyclable.
- B. The city, its departments, contractors, agents and employees acting in their official capacity, shall not purchase, acquire or distribute non- compostable or recyclable foodware for use at city event.
- C. A food and beverage provider serving food at a city event shall provide compostable disposable straws and utensils upon request only.
- D. Food and beverage providers may dispense plastic straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services at city events.

8.42.035. Prohibition on the use, distribution, and sale of polystyrene foodware, coolers, packing materials, egg cartons, and produce, meat or fish trays.

- A. No food or beverage provider shall use, distribute, or sell any polystyrene foodware in conjunction with the sale of prepared food, raw food, or beverages at any location within the city.
- B. No person shall sell or distribute any polystyrene foodware or polystyrene coolers at any location within the city.
- C. No vendor in the city shall sell, distribute or use polystyrene packing material composed in whole or in part from polystyrene, including, but not limited to, foam peanuts, packing peanuts, foam popcorn, or packing noodles within the city.
- D. No person may sell, distribute, or use within the city any produce, meat and

or fish trays, and or egg cartons made, in whole or in part, from polystyrene.

- E. Food and beverage providers that distribute prepared food or raw food or beverages in disposable foodware or disposable foodware accessories shall:
 - 1. Not distribute disposables that exhibit resin code “No. 6” or “PS”.
 - 2. Maintain documentation about the composition of the disposable foodware or disposable foodware accessories. Such documentation shall include information from the either the supplier, the manufacturer, or bulk packaging for the disposables, and information which demonstrates the disposable material is not composed of polystyrene.
- F. City employees, contractors, agents, and officers acting in their official capacity, shall not purchase, use, or distribute products composed of polystyrene in part, or in whole.

8.42.040. On-Premises Dining

- A. Effective January 1, 2026, large food or beverage facilities (with more than 26 employees) serving prepared food and or beverages served for consumption by a customer on the premises of food and beverage facilities shall only be distributed in reusable foodware except that disposable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; straws and paper tray- and plate-liners shall be allowed for dining on the premises, so long as they meet the Disposable Foodware Standards in Section 8.42.045.
- B. Effective July 1, 2026, all other food or beverage facilities serving Prepared Food and or Beverages served for consumption by a customer on the premises of food and beverage facilities, shall only be distributed in reusable foodware except that disposable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; straws and paper tray- and plate-liners shall be allowed for dining on the premises, so long as they meet the Disposable Foodware Standards in Section 8.42.045
- C. Nothing in this section prohibits food and or beverage facilities from providing a “doggy bag” (single use foodware) to prevent food waste as long as the disposable foodware complies with section 8.42.045.
- D. Where a food or beverage facility is granted an exemption from On-Premises Dining reusable foodware requirements, compostable foodware shall be used unless the product is unavailable, as long as the disposable foodware complies with section 8.42.045

8.42.045. Disposable Foodware Recycling Standards

- A. Effective January 1, 2026, no to-go or delivery food and or beverage facility may distribute to customers disposable foodware that is not either compostable or recyclable.
- B. The city manager or designee will post a list of compliant disposable foodware on the City's office of sustainability website <https://www.glendaleca.gov/government/departments/office-of-the-city-manager/office-of-sustainability>. If a product is not included on the list, that product is prohibited and a food facility using prohibited disposable foodware will have the burden of establishing, to the City Manager or Designee's reasonable satisfaction, that the product complies with this Section. The City Manager or Designee shall update the list of compliant disposable foodware as frequently as necessary to include compliant foodware, however, the list shall at a minimum be updated annually. Any revision to the list removing a previously authorized Disposable foodware product shall not become effective until six months after the date that the city manager or designee updates the list.

8.42.050. Prohibition on Use and/or Distribution of Single-use Plastic Straws, Stirrers, and Utensils

- A. Effective July 1, 2025, prohibitions on the use, distribution, and sale of Single-use Plastic Straws, Stirrers, and Utensils shall take effect as follows:
 - 1. Prohibition on Single-Use Plastic. Food and or beverage providers shall not use or distribute plastic straws, stirrers or utensils, whether for use on-site, to-go, or delivery. Disposable straws, stirrers, and utensils must be non-plastic, made from non-plastic materials, such as paper, pasta, sugar cane, bamboo, or wood.
 - 2. Use Accommodation. Food and or beverage providers Citywide, may retain and dispense plastic straws upon request as an accommodation to people with disabilities in order to provide equal access to food and beverage services within the City.

8.42.055. Distribution of Disposable Foodware Accessories Only Upon Request

- A. Food and or beverage providers shall comply in its entirety with Glendale Municipal Code Chapter 8.46 "Disposable Foodware Accessories".
- B. Food and or beverage providers shall comply with California Public Resources Code, Sections 42270, 42271 and 42273 (Assembly Bill 1276 "Single-use foodware accessories and standard condiments," , effective January 1, 2022).

8.42.060. Single Use Beverage Bottles.

No city employee, representative, contractor, agent, or official shall use, sell, distribute, or otherwise provide any single-use plastic beverage bottle or aseptic paper packaging while acting on behalf of the city or while acting pursuant to a city contract or agreement. Except where specific hydration requirements exist for employees working outside with no reasonable alternative to Plastic bottled beverages that will serve the same purpose. Provided, however, city employees, representatives, contractors, agencies or officials are not prohibited from bringing their own food or beverages for personal consumption while acting on behalf of the city or while acting pursuant to city contract or agreement.

8.42.065. Exemptions.

A. The following are exempt from the provisions of this chapter:

1. Coolers and ice chests, other than those defined as polystyrene coolers in this chapter.
2. Food brought by individuals for personal consumption.
3. During a locally declared emergency, the city, emergency response agencies operating within the city, users of city facilities, and food and beverage providers shall be exempt from the provisions of this chapter.
4. Plastic beverage straws provided or distributed by a food or beverage provider upon request for individuals with disabilities as needed to comply with the Americans with Disabilities Act.

B. The city manager or designee may exempt any person from section 8.42.030 of this code, as follows:

1. A request for an exemption shall be filed in writing with the city manager or designee and shall include documentation supporting the reason for the claimed exemption and shall include any other information necessary for the city manager or designee to make a decision. The city manager or designee may require the applicant to provide additional information in order to make an exemption determination. Applicants shall promptly provide additional information requested by the city manager or designee. Failure to provide such additional information may result in the denial of an exemption request.
2. The city manager or designee may grant an exemption for a maximum of one (1) year, with or without conditions, upon finding that compliance would create an undue hardship. Applications for exemption renewals will also be considered. Undue hardship includes, but is not limited to, situations where:
 - a. Compliance with this article will result in undue hardship because of a food and or beverage facility's lack of space.
 - b. Compliance with this article will result in an undue financial hardship for a food and or beverage facility.

- c. No suitable products are available.
- d. Compliance with the requirements of this chapter would deprive a person of a legally protected right.

8.42.070. Appeals.

A decision of the city manager or designee on exemption applications shall become final fifteen (15) days following the date of the decision unless an appeal to the city council is filed pursuant to the provisions of chapter 2.88 of this code relating to the uniform appeal procedure.

8.42.075. Violations and penalties.

- A. Administrative enforcement. The provisions of this chapter may be enforced through the issuance of administrative citation process set forth in Chapter 1.24 of this code. Violators will receive one written warning notice of violation. Thereafter, violators would be subject to an administrative fine of \$100 for a second violation within one (1) year, \$200 for a third violation within one (1) year and \$500 for each subsequent violation within one (1) year, The imposition of administrative fines are set by resolution of the city council and may be modified from time to time.
- B. Criminal Enforcement. The provisions of this chapter may also be enforced through the criminal prosecution process. Any person who is convicted of violating this chapter shall be guilty of an infraction and upon conviction shall be punished pursuant to Chapter 1.20 of this code. In addition, no permits or licenses for any use or purpose that violate the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions of this title, shall be null and void.

SECTION 3. Compliance with California Environmental Quality Act.

The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (CEQA) Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations (the CEQA Guidelines) because the adoption of this ordinance is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may be a significant effect of the environment, therefore the activity is not subject to the requirements of CEQA. The City Council also finds and determines that the

action is exempt pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), because these regulations involve the imposition of regulations for the protection of the environment through the reduction of plastic wastes, which include polystyrene, polystyrene packaging materials, single use plastics, from entering the waste stream, and from entering the environment.

SECTION 4. Severability.

This Ordinance is adopted under the authority of the Charter of the City of Glendale and State law. If any section, subsection, clause or phrase is declared invalid or otherwise void by a court of competent jurisdiction, it shall not affect any remaining provision hereof. In this regard the City Council finds and declares that it would have adopted this measure notwithstanding any partial invalidity hereof.

SECTION 5. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, DR. SUZIE ABAJIAN, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was passed by the Council of the City of Glendale, California, at a regular meeting held on the _____ day of _____, 2025, and that the same was passed by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk