

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GLENDALE AMENDING TITLE 8 OF THE
GLENDALE MUNICIPAL CODE TO ADD CHAPTER 8.42 TO PROHIBIT THE USE
OF POLYSTYRENE AND SINGLE-USE PLASTIC PRODUCTS IN THE SERVING OF
PREPARED FOOD AT CERTAIN CITY MANAGED, CITY RUN CONCESSIONS, OR
AT CITY SPONSORED EVENTS LOCATED ON CITY OWNED OR CONTROLLED
FACILITIES**

WHEREAS, 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 (California Public Resources Code §42355 effective January 1, 2013); and

WHEREAS, 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; and

WHEREAS, although plastics are generally recyclable there is currently limited capacity to accept and recycle many plastic products, and plastics synthesized from petroleum and natural gas do not biodegrade; and

WHEREAS, 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 where many plastics end up; and

WHEREAS, despite continued efforts, the City continues to confront littered plastic, including, but not limited to, plates, bowls, trays, platters, cartons, condiment containers, cups or drink ware, straws, lids, utensils, stirrers, lid plugs (splash sticks), bottles or any container, which are generally made from polystyrene or polypropylene; and

WHEREAS, a ban on the use of certain polystyrene and single-use plastic products in defined settings will help serve the City's goal of reducing plastic litter and improve waste management; and

WHEREAS, it is in the interest of the health, safety, and welfare of all who live, work and do business in the City, the amount of litter on public streets, parks, public places, and open spaces must be reduced, that plastic litter be biodegradable; that non-biodegradable wastes entering the waste stream be reduced; and that the use of recyclable packaging be encouraged to further these goals; and

WHEREAS, the City Council desires to exercise environmental stewardship through example by enacting an ordinance that prohibits serving prepared food in or on polystyrene and single-use plastic products at City-managed events, City run concessions, or at City-sponsored events, as defined herein, so as to reduce the amount of non-marine biodegradable plastic that enters our waste stream; and

WHEREAS, the City Council recognizes that buying habits and product use habits can be hard to change and that it is important to provide training education and guidance in order to understand and to comply with these new regulations; and

WHEREAS, based on the need for education and guidance, this Ordinance authorizes development of guidelines and implementation of an education program (the "Education Program") over a period of four (4) months from the effective date of this Ordinance (the "Implementation Period"), so that Participants may receive information and training on how to effectively transition from polystyrene and single

use plastic products to marine biodegradable plastics or other materials that are marine biodegradable; and

WHEREAS, during the Implementation Period penalties for violation of this ordinance shall be suspended; and

WHEREAS, this Ordinance provides that at the end of the Implementation Period staff will return to the City Council to report on the Education Program and implementation efforts.

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. Chapter 8.42 is hereby added to Title 8 of the Glendale Municipal Code, 1995, 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 the use of non-marine degradable disposable food service ware.

8.42.040 Exemptions.

8.42.050 Education Program.

8.42.060 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. Although plastics are generally recyclable, 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 pervasive use of non-marine biodegradable projects and to see littered plastic, namely plastic straws, stirrers, take out 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 food service ware, as defined herein, at City-managed events, City run concessions and City-sponsored events where prepared food is served, must be marine-degradable to reduce or eliminate the amount of disposable food service ware sent to the landfill and the amount of plastic pollution in the ocean.

8.42.020 Definitions.

1. **“Bioplastic”** means a type of biodegradable plastic derived from biological substances rather than from petroleum.
2. **“City Concession”** means a concession that is run by City employees, that is permitted by the City and run by third-parties, or is a concessionaire hired by the City.
3. **“City Contractor”** means any person that enters into an agreement with the City to furnish products or services to or for the City.
4. **“City Facility”** means any building, structure, property, park, open space, or vehicle, owned or leased by the City.

5. **"City Event"** means collectively, any City-Managed Event, City Concession, City-Sponsored Event, or City meeting that is organized, run, managed or sponsored, in whole or in part, by the City or any department of the City.
6. **"City-Managed Event"** means any event which the City manages either directly through City employees or through a Vendor hired by the City.
7. **"City-Sponsored Event"** means any event where all direct costs associated with staffing requirements and all other related expenses are absorbed by the City of Glendale.
8. **"Compostable"** means all the material in the product or package will break down, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable material must be made of paper, certified compostable plastics that meet ASTM D6400 or ASTM D6868 for composability or cellulose-based packaging capable of being decomposed through composting or anaerobic digestion.
9. **"Disposable Food Service Ware"** or **"Disposables"** means single-use, disposable products used for serving, consuming or transporting prepared food and or beverages (excepting sealed, pre-packaged beverages, e.g. water bottles), including, but not limited to, 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.
10. **"Food or Beverage Provider"** means any business, organization, entity, group or individual, that provides or sells prepared food at a City Event.
11. **"Marine-degradable"** means products recognized as "marine-degradable" under California State Law, Public Resources Code Section 42357, or designed to biodegrade under the marine environmental conditions of aerobic marine waters or anaerobic marine sediments in less than 120 days. Products predominately made with plastics, either petroleum or biologically based, shall not be considered marine-degradable.
12. **"Plastic stirrer"** means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid, and intended for only one-time use. Plastic

stirrer includes compostable, petroleum-based, or a biologically-based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, bamboo, metal, or glass.

13. **“Plastic utensil”** means any plastic utensil, including, but not limited to, forks, spoons, sporks, knives, cutlery, and Disposable flatware intended for only one-time use. A plastic utensil includes compostable, petroleum-based, or biologically-based polymer forms of utensils, but does not include forms of utensils that are made from non-plastic materials, including, but not limited to, paper, sugar cane, wood, bamboo, metal, or glass.
14. **“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.
15. **“Prepared food and beverages”** means any food or beverage prepared using any cooking or food preparation technique and which is offered for consumption at a City Event.
16. **“Recyclable”** means material that can be sorted, cleansed, and reconstituted using Glendale’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.
17. **“Single Use Plastics”** means any single-use plastics and goods that are made primarily from fossil fuel-based chemicals (petrochemicals) and are meant to be disposed of right after use.

18. **“Vendor”** means any store, shop, restaurant, sales outlet, mobile food vendor, pushcart, or other commercial establishment located within or doing business within the City of Glendale, which provides perishable or nonperishable goods.

8.42.030 Prohibition on the use of non-marine degradable disposable food service ware.

- A. Except as otherwise provided in this chapter, all Disposable food service ware Food or Beverage Providers use to serve prepared food and beverages at City Event - must be Marine-degradable.
- B. The City, its departments, Contractors, agents and employees acting in their official capacity, shall not purchase, acquire or distribute for public use non-marine degradable food service ware for use at City Event.
- C. A Food and Beverage Provider serving food at a City Event shall provide marine non-degradable 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.

8.42.040 Exemptions.

- A. The City Manager or his or her designee may exempt a Food or Beverage Provider from the requirements of this Chapter, in whole or in part, upon a showing by the Food or Beverage Provider that complying with the requirements of this Chapter would cause either a significant undue hardship to the Food or Beverage Provider in the serving of food and beverages at a City Event, or where other governmental requirements, including food safety laws mandate the use of Single Use Plastics, or which disallow a substitution to Marine-degradable plastics. Undue hardship includes, but is not limited to, where no alternative to using Single Use Plastics exists; where an alternative to Single Use Plastics is unavailable at a commercially reasonable price; where compliance with this title is unduly burdensome to the Food or Beverage Provider, or where other

regulations, including food safety laws conflict with implementation of these regulations.

- B. Food brought by individuals for personal consumption, at a City Event.
- C. Food and Beverage Providers that have entered into contract to purchase non-marine degradable food service ware within the year prior to the operative date of this ordinance are exempt from the provisions of this chapter for four (4) months following its effective date.

8.42.050 Violations and penalties.

- A. Imposition Suspended. The violations and penalties set forth in this section shall be suspended during the Implementation Period which commences on the effective date of the ordinance imposing the requirements of this title, and until the applicability of the requirements in this ordinance are expanded beyond City Events.
- B. Criminal penalty. Any person who is convicted of violating this chapter shall be guilty of a misdemeanor and upon conviction shall be punished pursuant to Chapter 1.20. In addition, no permits or license for uses or purposes where the same would 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.
- C. Administrative enforcement. The provisions of this chapter may also be enforced through the issuance of administrative citations and the imposition of administrative fines to be set by resolution of the city council.

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) and, therefore, an environmental review is not required since there is no possibility that the adoption of this ordinance will have a significant effect on the environment and that the amendments of the Glendale Municipal Code, 1995 are exempt from CEQA.

Accordingly, under provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations (the CEQA Guidelines) the adoption of this ordinance is not subject to the requirements of CEQA.

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, ARAM ADJEMIAN, 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 _____, 2021, and that the same was passed by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk