

Exhibit 1

Title 12 - ENVIRONMENTAL PROTECTION
Chapter 12.86 SINGLE-USE FOODWARE ACCESSORIES UPON REQUEST
County of Los Angeles

Chapter 12.86 SINGLE-USE FOODWARE ACCESSORIES UPON REQUEST

12.86.005 Findings.

- A. Single-use foodware accessories, including straws, cutlery, chopsticks, condiment packets, cup lids, stirrers, spill plugs, napkins, and hot beverage sleeves are rarely recycled for a variety of reasons, including because of their small size, lack of content-labeling, and concerns with potential food contamination. As a result, they significantly contribute to waste in landfills and often end up as litter.
- B. Single-use foodware accessories made of plastic are especially bad for the environment. They do not biodegrade, and they have a lifespan that likely lasts centuries. Plastics create an intractable waste-management problem as plastic accumulates in perpetuity in landfills and as litter on streets, infiltrating public drainage systems and accumulating in waterways.
- C. Food facilities often automatically provide single-use foodware accessories to customers who may not want or need them, particularly when customers purchase food for take-out or delivery to be consumed in their homes.
- D. Limiting the distribution of unwanted single-use foodware accessories by requiring food facilities to provide them only upon the request of a customer, and by requiring third-party, online food-ordering businesses to provide options for customers to select only those items they want, is a straightforward solution to reduce waste consisting of unused single-use foodware accessories, and will also result in cost savings to businesses.

(Ord. 2021-0025 § 2, 2021 .)

12.86.010 Definitions.

The following definitions apply to this Chapter:

- A. "Condiment" has the meaning set forth in California Health and Safety Code section 113756; it includes such foods as ketchup, mustard, mayonnaise, sauerkraut, soy sauce, salsa, syrup, jam, jelly, salt, sugar, sugar substitute, cream, coffee creamer, pepper, chili-pepper or cheese topping. "Condiment" does not include an ingredient or component of a ready-to-eat food item that constitutes an integral part of that item even if such integral ingredient or component is packaged separately from the ready-to-eat food item.
- B. "County" means the County of Los Angeles.
- C. "County facility" means any building, structure, property, park or open space, that is owned, operated, managed or leased by the County for the purpose of providing County services or conducting County business.
- D. "Customer" means any natural person or such person's agent or caregiver.
- E. "Food facility" has the meaning set forth in California Health and Safety Code section 113789; it includes restaurants, bars, coffee shops, fast food restaurants, food carts, grocery stores, supermarkets, convenience stores, school cafeterias, hospitals and nursing facilities, snack bars, food trucks, juice bars, farmers markets,

and temporary food facilities such as those participating in fairs or events. "Food facility" does not include a third-party, online food-ordering business.

- F. "Grocery store" has the meaning set forth in California Health and Safety Code section 113948(c)(3); it means a store primarily engaged in the retail sale of canned foods, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry, and any area within the store, that is not separately owned or operated, where food is prepared or sold, including a bakery, deli, and meat and seafood counter.
- G. "Online food-ordering platform" means the digital technology provided on a website or mobile application through which a customer can place an order for pick-up or delivery of ready-to-eat food. Online food-ordering platforms include such platforms operated directly by food facilities; operated by third-parties that place take-out orders with food facilities on behalf of customers and then deliver the food; and operated by third-parties that place orders with food facilities on behalf of customers without providing delivery service.
- H. "Person" means any natural person, firm, corporation, partnership, limited liability company, or other organization or group, however organized.
- I. "Ready-to-eat-food" has the meaning set forth in California Health and Safety Code section 113881; it includes food, including beverages, that may be consumed without additional preparation to achieve food safety.
- J. "Self-serve dispenser or station" means any type of dispenser, container, counter, shelf, or other location that is accessible to customers of a food facility at which such customers can independently access single-use foodware accessories.
- K. "Single-use," in referring to a foodware accessory item, means that the item has been designed and constructed for one-time, one-person use, after which the item is meant to be discarded.
- L. "Single-use foodware accessory" means a single-use foodware item that is provided alongside or with ready-to-eat food, including straws, stirrers, knives, forks, spoons, chopsticks, condiment packets, condiment containers, napkins, cup lids, spill plugs, and hot beverage sleeves. "Single-use foodware accessory" does not include plates, cups, bowls, containers, wrappers, bags or other single-use foodware that is used for holding or containing ready-to-eat food while it is being delivered, transported, or consumed.
- M. "Single-use plastic stirrer" means a foodware accessory item that is used to mix beverages, that is intended only for single-use, and that is made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources. "Single-use plastic stirrer" includes compostable and biodegradable petroleum or biologically-based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.
- N. "Single-use plastic straw" means a tube that allows an individual, through suction, to transfer a beverage, liquid, or semi-frozen liquid from its container into the individual's mouth, that is intended only for single-use, and that is made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources. "Single-use plastic straw" includes compostable and biodegradable petroleum or biologically-based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.
- O. "Temporary food facility" means a temporary food facility, as defined in California Health and Safety Code section 113930, which is approved by the County Health Officer and operates at an approved community event.
- P. "Third-party, online food-ordering business" means a person that is not a food facility and that operates an online food-ordering platform for customers to order, for take-out or delivery, ready-to-eat food that is prepared or sold by food facilities.

(Ord. 2021-0025 § 3, 2021 ; Ord. 2018-0055 § 1, 2018.)

12.86.020 Single-Use Foodware Accessories Provided Only Upon Request by Customer.

The following requirements apply to food facilities that are located in the unincorporated area of the County or that are operated within a County facility:

- A. No food facility may automatically provide single-use foodware accessories to any customers with their order of ready-to-eat food. Food facilities may provide single-use foodware accessories to customers with their order of ready-to-eat food only if the customers request that they be provided such accessories.
- B. Nothing in this Chapter prohibits a food facility that is providing ready-to-eat food to customers from asking the customers if they would like to be provided any single-use foodware accessories that the food facility makes available for customers. This Chapter does not prohibit a food facility from making available to customers single-use foodware accessories from a self-serve dispenser or station, with the exception of single-use plastic straws and single-use plastic stirrers. Food facilities are prohibited from making single-use plastic straws and single-use plastic stirrers available to customers from a self-serve dispenser or station. Nothing in this Chapter prohibits a food facility from providing to customers single-use foodware accessories that are included as part of a product that is pre-packaged by a manufacturer, such as a juice box or pre-packaged salad.
- C. A food facility that operates an online food-ordering platform for its customers to order ready-to-eat food for delivery or take-out may provide options on such platform to enable customers to select which single-use foodware accessories, if any, the customers may choose to have included with their order. Food facilities shall not provide any single-use foodware accessories to customers that order ready-to-eat food through their own online food-ordering platform unless those customers have requested such accessories, either through the online food-ordering platform or in person when picking up their order.
- D. A food facility that prepares orders of ready-to-eat food for customers who have placed those orders through third-party, online food-ordering businesses shall not provide any single-use foodware accessories with the orders unless the customers have selected such single-use foodware accessories through options provided on the online food-ordering platform, in accordance with Section 12.86.025, or the customers have requested such accessories in person when picking up their order.
- E. Nothing in this Chapter shall be construed to require food facilities to provide single-use foodware accessories to customers ordering ready-to-eat food.
- F. Notwithstanding any other provision of this Chapter, food facilities may include single-use cup lids, spill plugs, and hot beverage sleeves with drive-thru and delivery orders of ready-to-eat food orders that include beverages, without a customer request, for safety reasons, including to avoid spillage.
- G. If a food facility is operated within a County facility that is located in a city that has adopted an ordinance prohibiting food facilities from providing single-use foodware accessories except upon request, the city's ordinance shall apply, and this Chapter shall not apply, to the extent that the city's ordinance conflicts with this Chapter.

(Ord. 2021-0025 § 4, 2021 ; Ord. 2018-0055 § 1, 2018.)

12.86.023 Exemption.

"Health facilities," as defined in section 1250 of the California Health and Safety Code, are exempt from the requirements of this Chapter with respect to food and beverages that the health facilities serve to their patients and residents. However, food facilities that are located within health facilities and that provide ready-to-eat food to employees or the general public, such as cafeterias and snack bars, are not exempt from the requirements of this Chapter.

(Ord. 2021-0025 § 5, 2021 .)

12.86.025 Availability of Single-Use Accessories Through Third-Party, Online Food-Ordering Platforms.

- A. Except as provided in subsection B, any third-party, online food-ordering business that conducts business in the unincorporated area of the County, either by picking up ready-to-eat food from a food facility located within the unincorporated area of the County for delivery to a customer, or by delivering ready-to-eat food to a customer at a location within the unincorporated area of the County, shall comply with the following requirements to enable customers to select which single-use foodware accessories, if any, the customers may choose to have included with their order:
1. Third-party, online food-ordering businesses must provide food facilities with the opportunity to specify which single-use foodware accessories, if any, the food facilities choose for customers to be offered on their menus appearing on the food-ordering platforms, so that customers may select which accessories, if any, they choose to have included with their orders.
 2. If a food facility chooses not to specify any single-use foodware accessories to be offered to customers on its menu appearing on the food-ordering platform, then the third-party, online food-ordering business shall post the following statement with such food facility's menu: "This restaurant has chosen not to include single-use foodware accessories on its online menu."
- B. Third-party, online food-ordering businesses may, but are not required to, provide grocery stores with the opportunity to customize the menus appearing on the businesses' online food-ordering platforms in accordance with subsection A.1. However, neither a grocery store nor a third-party, online food-ordering business is permitted to provide a single-use foodware accessory to a customer unless the customer has requested it. If an online food-ordering platform does not include options for customers purchasing online from a grocery store to request single-use foodware accessories, then no single-use foodware accessories may be provided to such online customers.

(Ord. 2021-0025 § 6, 2021 .)

12.86.030 Enforcement and Penalty.

- A. **Enforcement Authority.** The Director of Public Works and the Director of Public Health will enforce this Chapter. Both the Director of Public Works and the Director of Public Health, or their designees, are authorized to take any appropriate actions in the enforcement of this Chapter, including investigating and monitoring food facilities and third-party, online food-ordering businesses for compliance with this Chapter and taking administrative action in accordance with subsection C of this Section.
- B. **Rules and Guidelines.** The Director of Public Works, in conjunction with the Director of Public Health, may promulgate rules and establish guidelines for implementing and enforcing this Chapter. Any such rules or guidelines shall become effective when the Director of Public Works submits them to the Executive Office of the Los Angeles County Board of Supervisors. The Director of Public Works and the Director of Public Health shall post any such rules and guidelines in an easily accessible location on their websites and shall also provide copies to any person upon request.
- C. **Administrative Action.** Administrative fines may be imposed as follows, subject to the requirements of Sections 1.25.030 (Notice of violation), 1.25.040 (Administrative fines) and 1.25.050 (Imposition of administrative fines) of the Los Angeles County Code:

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1. Before November 15, 2021, the Director of Public Works, in conjunction with the Director of Public Health, shall enforce only the requirements of Section 12.86.020.A that prohibit a food facility from providing a single-use plastic straw or single-use plastic stirrer to a customer without the customer's request and from providing a single-use plastic straw or single-use plastic stirrer to a customer in a self-serve dispenser or station. Before November 15, 2021, the first and second violations of the specific provisions of this Chapter that are referenced in this subsection, exclusively, shall result in a written warning notice regarding the violation, and any subsequent violation occurring before November 15, 2021, is considered an infraction punishable by a fine of twenty-five dollars (\$25) for each day that the food facility is in violation, but not to exceed a total of three hundred dollars (\$300).
 2. Commencing on November 15, 2021, any violation of this Chapter is considered an infraction. The Director of Public Works and the Director of Public Health each is authorized to designate enforcement officers who, upon determining that a violation of this Chapter has occurred, may issue a notice of violation in accordance with Section 1.25.030 of this Code and a notice of administrative fine in accordance with Section 1.25.050 of this Code. Violations are punishable by fines as follows:
 - a. A violation by a food facility shall be punishable by a fine of up to one-hundred dollars (\$100) for each day of violation, up to a maximum fine of one-thousand dollars (\$1,000) per year.
 - b. A violation by third-party, online food-ordering business shall be punishable by a fine of up to one-hundred dollars (\$100) for the first day of violation and up to two-hundred dollars (\$200) for each additional day of violation.
- D. Administrative Appeals. Any person served with a notice of administrative fine in accordance with subsection C of this Chapter and Section 1.25.050.A of this Code may, within thirty (30) days of receiving such notice, appeal the notice of administrative fine and/or the notice of violation upon which the notice of administrative fine is based, by submitting an appeal. In the absence of a submitted appeal, the notice of administrative fine shall be final. Any submitted appeal must include a statement as to why the fine should not be imposed or why the amount of the fine should be reduced, along with evidence in support of such statement. The Director of Public Works or the Director of Public Health, as the case may be, will, in their discretion, either affirm, revise, or revoke the administrative fine, and that decision will be final.
- (Ord. 2021-0025 § 7, 2021 ; Ord. 2018-0055 § 1, 2018.)

FOOTNOTES TO TITLE 12

5. For statutory provisions on agricultural chemicals, see Food and Agric. Code § 12501 et seq.
9. For statutory provisions on county wildflower reserves, see Gov. Code § 25600 et seq.; for provisions on unlawful removal of vegetation, see Penal Code § 384a; for provisions on desert native plants, see Food and Agric. Code § 66000 et seq.

City of Los Angeles

ARTICLE 3

DISPOSABLE FOODWARE ACCESSORIES AND PLASTIC DRINKING STRAWS

(Title and Chapter Amended In Entirety by Ord. No. 187,030, Eff. 6/14/21.)

Section

196.01 Definitions.

196.02 Regulation of Distribution of Disposable Foodware Accessories and Plastic Straws in the City of Los Angeles.

196.03 Exemptions.

196.04 Enforcement.

196.05 Severability.

196.06 No Conflict with Federal or State Law.

SEC. 196.01. DEFINITIONS.

The following definitions apply to this article:

A. City means the City of Los Angeles.

B. Condiment means relishes, spices, sauces, confections, or a seasoning that requires no additional preparation and that is used on a Prepared Food or Beverage, including, but not limited to, ketchup, mustard, mayonnaise, barbecue sauce, dressings, sauerkraut, salsa, soy sauce, wasabi, ginger, hot sauce, grated cheese, syrup, jam, jelly, butter, salt, sugar, sugar substitutes, cream, creamer, pepper, or chile pepper. "Condiment" does not include an ingredient or component that is an integral part of the menu item, but that a Food or Beverage Facility packages separately when preparing the item for a Take-out Customer or Delivery Customer.

C. Condiment Packets mean any packaged Condiments, including, but not limited to, Condiments in packets, cups, or other containers for Condiments that are sealed or resealable and intended for single-use.

D. Customer means a Person, the Person's agent, or the Person's caregiver.

E. Delivery Customer means a Customer who purchases a Prepared Food or Beverage from a Food or Beverage Facility or Third-party Food Delivery Service and has the Prepared Food or Beverage delivered to them by a Food or Beverage Facility or Third-party Food Delivery Service.

F. Designated Administrative Agency (DAA) means the Department of Public Works, Bureau of Sanitation (LA Sanitation & Environment).

G. Dine-in Customer means a Customer who purchases Prepared Food or Beverages at a Food or Beverage Facility and consumes it on the premises of the Food or Beverage Facility.

H. Disposable means designed to be used once and then discarded, and not designed for repeated use and sanitizing.

I. Disposable Foodware Accessory means any type of Disposable item that accompanies a Prepared Food or Beverage served in Disposable plates, containers, or cups. A Disposable Item includes, but is not limited to, Utensils, Condiment Packets, Disposable Plastic Drinking Straws and all other Disposable straws, stirrers, splash sticks, cocktail sticks, toothpicks, napkins, wet-wipes, cup lids, cup sleeves, and beverage trays.

J. Disposable Plastic Drinking Straw means a thin, hollow tube for sucking a liquid or semi-liquid substance that constitutes Prepared Food or Beverages, which is designed for a single-use and made from fossil fuel based polymers, including, but not limited to, high-density polyethylene, low-density polyethylene, polyethylene terephthalate, polystyrene, polypropylene, polyvinyl chloride, polycarbonate that can be molded or blown into shape while soft and then set into a rigid or slightly elastic form, and any straw made from or labeled "bioplastic/compostable/poly-lactic acid (PLA)".

K. Drive-through Customer means a Customer who purchases Prepared Food or Beverages at a Food or Beverage Facility and is provided the Prepared Food and/or Beverages without leaving their vehicle.

L. Food or Beverage Facility means a facility located in the City that 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 (as defined in Section 42.13 in the Los Angeles Municipal Code or any successor provision) or any organization, group, or individual that regularly provides Prepared Food or Beverages as part of its service.

M. Large Food or Beverage Facility means a Food or Beverage Facility with more than 26 employees. If the Food or Beverage Facility is part of a Statewide or National Food or Beverage Vendor, the employee count shall include all employees of that chain.

N. Online Order means an order placed by a Take-out Customer or Delivery Customer through an Online Ordering Platform through which the Customer can place an order for pick-up or delivery of a Prepared Food or Beverage. A platform includes one operated directly by the Food or Beverage Facility or Third-party Food Delivery Service, including a telephone order, for pick-up or delivery within the City.

O. Online Ordering Platform means the digital technology provided on a website or mobile application through which a Customer makes an Online Order.

P. Operator means any Person in control of, or having the responsibility for, the operation of a Food or Beverage Facility and/or Third-party Food Delivery Service, including, but not limited to, any owner of the Food or Beverage Facility and/or Third-party Food Delivery Service.

Q. Person means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, servant, office, or employee of any of them.

R. Prepared Food or Beverage means foods or beverages which are prepared by cooking, chopping, slicing, mixing, freezing, squeezing, brewing, boiling, steeping, pouring, or other processing and that require no further preparation by the customer before consumption. "Prepared Food or Beverage" does not include raw uncooked whole fruits or vegetables which are not chopped, squeezed, or mixed, or raw uncooked meat products.

S. Request means any reasonable affirmation of the Customer's intent to procure Disposable Foodware Accessories and is not limited to a verbal Request.

T. Statewide or National Food or Beverage Vendor means any Food or Beverage Facility located in the City that is part of a chain of franchised or corporate-owned Food or Beverage Facilities located in the City and in more than one other jurisdiction outside of the City.

U. Take-out Customer means a Customer who purchases Prepared Food or Beverages from a Food or Beverage Facility or Third-party Food Delivery Service and consumes it off the premises of the Food or Beverage Facility.

V. Third-party Food Delivery Service means any website, mobile application, or other internet service that offers or arranges for the sale of Prepared Food or Beverages prepared by,

and the delivery or pick-up of Prepared Food or Beverages from no fewer than 20 Food or Beverage Facilities that are each owned and operated by different persons.

W. Utensil means a fork, spoon, spork, knife, chopstick, or other implement used to serve a Person, or to eat food.

SEC. 196.02. REGULATION OF DISTRIBUTION OF DISPOSABLE FOODWARE ACCESSORIES AND PLASTIC STRAWS IN THE CITY OF LOS ANGELES.

A. Beginning April 22, 2019, a Large Food or Beverage Facility shall display on their premises advisory notices informing Customers about the Disposable Plastic Drinking Straws Ordinance and the environmental impact of Disposable Plastic Drinking Straws. A Large Food or Beverage facility shall be prohibited from having self-serve/self-service Disposable Plastic Drinking Straw dispensers, and from providing or offering a Disposable Plastic Drinking Straw to a Dine-in Customer or Take-out Customer, except upon Customer Request. A Large Food or Beverage Facility shall be permitted to ask a Drive-through Customer or Delivery Customer if the Customer wants a Disposable Plastic Drinking Straw, but shall be prohibited from providing a Disposable Plastic Drinking Straw to a Drive-through Customer and Delivery Customer, except upon Customer Request.

B. Beginning October 1, 2019, all other Food or Beverage Facilities shall comply with the requirements of Section 196.02 A.

C. Beginning November 15, 2021, a Large Food or Beverage Facility shall:

1. Display on its premises advisory notices informing Customers about the Disposable Foodware Accessories Ordinance and the environmental impact of Disposable Foodware Accessories;

2. Not provide self-serve/self-service Disposable Foodware Accessories dispensers, or provide or offer Disposable Foodware Accessories to a Dine-in Customer or Take-out Customer, except upon Customer Request;

3. Not provide any Disposable Foodware Accessories to a Drive-through Customer, Take-out Customer, or Delivery Customer without a Customer Request, but may ask a Drive-through Customer or Delivery Customer if the Customer wants any Disposal Foodware Accessories; and

4. Choose whether to provide specific Disposable Foodware Accessories to a Drive-Through, Take-out, or Delivery Customer to prevent spills or for safe transport or delivery of a Prepared Food or Beverage, such as cup lids, cup sleeves, and beverage trays, even without a Customer

Request. A Customer Request shall not be necessary for a Drive-through Customer, Takeout Customer, or Delivery Customer to receive without a Request a cup sleeve if the Customer orders no more than one hot beverage, or a beverage tray if the Customer orders more than one beverage.

D. Beginning November 15, 2021, a Large Food or Beverage Facility with an Online Ordering Platform or using a Third-party Food Delivery Service with an Online Ordering Platform, and a Third-party Food Delivery Service with an Online Ordering Platform shall:

1. Identify the available Disposable Foodware Accessories from the Food or Beverage Facility that Customers may Request in an Online Order;
2. Include on any Online Ordering Platform an "opt-in" option for a Customer placing an Online Order to Request Disposable Foodware Accessories from available Disposable Foodware Accessories as part of the Customer's Online Order;
3. Not provide Disposable Foodware Accessories to any Customer who does not affirmatively "opt-in" to Request Disposable Foodware Accessories as part of a pick-up or delivery of Online Order; and
4. Choose whether to provide specific Disposable Foodware Accessories to a Customer who placed an Online Order to prevent spills or for safe delivery of a Prepared Food or Beverage, such as cup lids, cup sleeves, and beverage trays, even without Customer Request. A Drive-through Customer, Take-out Customer, or Delivery Customer may receive without a Request a cup sleeve if the Customer orders no more than one hot beverage, or a beverage tray if the Customer orders more than one beverage.

E. Beginning April 22, 2022, all other Food or Beverage Facilities shall comply with the requirements of Section 196.02 C. and 196.02 D.

F. Nothing in this article shall prohibit a Food or Beverage Facility or Third-party Food Delivery Service from providing a Disposable Plastic Drinking Straw or other Disposable straw that is included as part of a product that is pre-packaged by a manufacturer outside the City, such as a juice box.

SEC. 196.03. EXEMPTIONS.

A. Health Facilities, as defined in Section 1250 of the California Health and Safety Code, shall be exempt from the requirements of this article.

B. Residential Care Facilities for the Elderly, as defined in Section 1569.2 of the California Health and Safety Code, shall be exempt from the requirements of this article.

SEC. 196.04. ENFORCEMENT.

A. The DAA is authorized to promulgate rules and regulations for the implementation and enforcement of this article, consistent with the provisions herein. The DAA is authorized to take actions reasonable and necessary to enforce this article, including, but not limited to, receiving and responding to complaints, investigating violations, issuing fines, and entering the premises of any Food or Beverage Facility during business hours.

B. Enforcement of the requirements of Section 196.02 A. and 196.02 B. of this article shall commence on October 1, 2019. Enforcement of all other requirements of this article shall commence on January 1, 2022, or six months after the effective date of this ordinance, whichever is later.

C. Written notice of a violation of this article shall be served, by First Class mail, on the Operator of the Food or Beverage Facility or Third-party Food Delivery Service.

D. A Food or Beverage Facility and Third-party Food Delivery Service shall be subject to the following:

1. A written notice for a first and second violation.

2. An administrative fine of \$25 for a third violation and each subsequent violation. The administrative fine of \$25 shall be imposed for each day the Food or Beverage Facility or Third-party Food Delivery Service is in violation, but shall not exceed \$300 per calendar year.

E. An administrative fine shall be due and payable to the City within 30 calendar days from the date the written notice of violation is served. Failure to timely pay a fine will result in the assessment of a late fee, assessed daily at a rate of 7 percent per annum of the outstanding amount of the fine and late fees, if any. The City may collect any unpaid fine, including the late fee, by means of a civil action, injunctive relief, specific performance and the recordation of a lien against real property in accordance with applicable law. All fines collected pursuant to this article shall be deposited into the Citywide Recycling Trust Fund (CRTF) of the Department of Public Works to assist the department with its costs of implementing and enforcing the requirements of this article.

F. An Operator who receives a written notice of violation pursuant to this article may request an administrative review of the accuracy of the violation determination by filing a signed, written notice of appeal with the Director of the Bureau of Sanitation, or his/her designee, no later than 30 days from the date the notice of violation was served. The appeal must include all facts supporting the appeal and any supporting documentation, including copies of all photos, statements and other documents that the appellant wishes to be considered in connection with the appeal. The Director of the Bureau of Sanitation, or his/her designee, may sustain, rescind, or modify the notice of violation and/or administrative fine, as applicable. The Director of the Bureau of Sanitation, or his/her designee, may waive any portion of the administrative fine in a manner consistent with its decision. The accrual of fines and fees shall be stayed until the decision of the Director of the Bureau of Sanitation, or his/her designee, is final. The decision of the Director of the Bureau of Sanitation, or his/her designee, is final and effective on the date when the decision is served, by First Class mail, on the Operator.

SEC. 196.05. SEVERABILITY.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SEC. 196.06 NO CONFLICT WITH FEDERAL OR STATE LAW.

Nothing in this article is intended to create any requirement, power, or duty that is in conflict with any federal or state law.