ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GLENDALE REPEALING CHAPTER 8.42 OF THE GLENDALE MUNICIPAL CODE ENTITLED "POLYSTYRENE AND SINGLE-USE PLASTIC PRODUCTS" AND REPLACING IT WITH A NEW CHAPTER 8.42 ENTITLED "PLASTIC WASTE REDUCTION"

WHEREAS, in 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-marine degradable disposable food service ware 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 marine degradable 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, the Plastic Waste Reduction regulations promulgated to replace the prior regulation of polystyrene and single-use shall apply to City of Glendale operations on adoption of the ordinance-and will apply city-wide in recognition of the fact that plastic waste products have caused, and will continue to cause, significant environmental harm and burdens local governments with disposal and cleanup costs; and

WHEREAS, the state Legislature has 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 waste disposal by providing consumers with a false belief that certain plastic products are less harmful to the environment; and

WHEREAS, plastics synthesized from petroleum and natural gas do not biodegrade, and even with the emergence of bioplastics, which are derived from renewable biomass sources, such as plants and microorganisms, there is no certified bioplastic that biodegrades in a marine environment; and

WHEREAS, despite the current availability of non-plastic, compostable alternatives, the city continues to see pervasive use of non-marine biodegradable

products; and

WHEREAS, regulating plastic waste will help serve the City's goal of improving waste management, reducing disposal costs, and reducing the amount of plastic waste that ends up in our waterways and the ocean; and

WHEREAS, the City Council recognizes that purchasing and consumption habits are difficult to change and therefore will provide public education and guidance on the impact of plastic waste and appropriate ways to reduce and avoid using plastics; and

WHEREAS, in connection with implementation of the plastic waste reduction regulations the City will undertake outreach and education programs to ensure compliance with the waste reduction regulations; and

WHEREAS, food and beverage providers will also be required to comply with the existing City regulation of "Disposable Foodware Accessories" and with Assembly Bill 1276 governing "Single-use foodware accessories and standard condiments"; and

WHEREAS, in the interest of ensuring effective implementation and compliance with the Plastic Waste Reduction Ordinance, regulations that prohibit the use, distribution, or sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays, as well as the regulations prohibiting use or distribution of Single-use Plastic Straws, Stirrers, and Utensils, the recycling standards, disposable cup charges, and regulations on use of disposal plastic bottles,will take effect one-hundred and eighty ~~ninety~~ (180~~90~~) days after the adoption of the Plastic Waste Reduction Ordinance. The ~~recycling standards, disposable cup charges~~, regulations on the use of plastics in on-premises dining, ~~and regulations on use of disposal plastic bottles,~~ will take effect on ~~Earth Day April 22~~January 1, 2024.

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. Existing Glendale Municipal Code Chapter 8.42 regulating polystyrene and single-use plastic products is hereby repealed and replaced in its entirety with a Chapter 8.42 of Title 8 of the Glendale Municipal Code, 1995, entitled "Plastic Waste Reduction",

which reads as follows:

Glendale Municipal Code
Title 8 HEALTH AND SAFETY
Chapter 8.42 PLASTIC WASTE REDUCTION

Sections:

8.42.010 – Purpose and Findings
8.42.020 – Definitions
8.42.022 – Prohibition on the Use, Distribution or Sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays
8.42.024 – Prohibition on Use and or Distribution of Single-Use Plastic Straws, Stirrers and Utensils
8.42.025 - Distribution of Disposable Foodware Accessories Only Upon Request
8.42.026 – Disposable Foodware Recycling Standards
8.42.028 – Disposable Cup Charge and Single-Use Beverage Bottles
8.42.030 –Reusable Foodware for Dining on Premises
8.42.040 – Exemptions
8.42.050 – Certification of Compliance
8.42.060 – Education Program
8.42.070 – 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 the use and disposal of 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 pervasive use of non-marine biodegradable products 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.

E. In order to provide sufficient time for public education and outreach, the Plastic Waste Reduction Ordinance regulations that prohibit distribution of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays, and the regulations prohibiting use or distribution of Single-use Plastic Straws, Stirrers, and Utensils, the recycling standards, disposable cup charges, and regulations on use of disposal plastic bottles will take effect one-hundred and eighty~~ninety~~ (180~~90~~) days after the adoption of the plastic waste reduction ordinance. The ~~recycling standards, disposable cup charges~~, regulations on the use of plastics in on-premises dining, ~~and regulations on use of disposal plastic bottles~~ will take effect on ~~Earth Day, April 22~~January 1, 2024.

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. Beverages include, 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 the public for consumption. Beverage Provider also includes any organization, group or individual that

regularly provides beverages to its members or the public as a part of its activities or services.

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

“**City**” means the C~~c~~ity of Glendale, California, a municipal corporation.

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

"**Compostable**" means Disposable Foodware and Disposable Foodware Accessories that are accepted by the City municipal compost collection program and are free of all intentionally added Fluorinated Chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third party certifying organization or agency recognized by the City.

"**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 or Raw Food or Beverage, 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 Raw Food or Beverages are placed, packaged or served for consumption.

"**Egg Carton**" means a carton for raw eggs sold to consumers from a refrigerator case or similar appliance.

“**Fluorinated Chemical**” means a class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

“**Fluorinated Chemical Free**” means an item (1) certified by the Biodegradable Product Institute (BPI) or other third party as recognized by the City, or (2) is a napkin, stirrer, splash stick, cocktail stick, toothpick, or utensil made entirely of Natural Fiber, containing no intentionally added Fluorinated Chemicals.

“**Food or Beverage Provider**” means any business, organization, entity, group or individual, that provides or sells Prepared Food or Raw Food or Beverages Citywide.

"**Meat and Fish Tray**" means a tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"**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.

"**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.

"**Plastic Straw**" means a tube made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources, used to transfer a beverage from its container to the mouth of the drinker. Plastic Straw includes compostable, petroleum-based or a biologically based polymer straw, but does not include straws that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, bamboo, glass, or metal.

"**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 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.

"**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.

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

"**Polystyrene Cooler**" means any cooler or ice chest made of polystyrene foam (expanded polystyrene), where such foam is not fully encased in another more durable material.

"**Polystyrene Foodware**" means Disposable Foodware that contains or utilizes polystyrene.

“**Polystyrene Packing Materia**l" means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

“**Prepared Food and Beverages**” means any food or beverage prepared using any cooking or food preparation technique and 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 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.

"**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 or Durable Foodware and Foodware Accessories**", including plates, bowls, cups, jars, trays, glasses, straws, stirrers, condiment cups, utensils etc. that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time.

"**Single-use plastics**" means any single-use plastics and goods that are made primarily from petroleum-based, or biologically based polymers and are meant to be disposed of right after use.

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

"**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.

8.42.022 – Prohibition on use, distribution, and sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays.

Commencing one-hundred and eighty ~~ninety~~ (180~~90~~) days after the adoption of the Plastic Waste Reduction Ordinance, prohibitions on the use, distribution, and sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays shall take effect as follows:

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, 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 Meat and/or Fish Trays, Produce 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”; and (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 in part or in whole of Polystyrene ~~Foodware~~.

8.42.024 – Prohibition on Use and or Distribution of Single-use Plastic Straws, Stirrers, and Utensils

Commencing one-hundred and eighty~~ninety~~ (180~~90~~) days after the adoption of the Plastic Waste Reduction Ordinance, prohibitions on the use, distribution, and of Single-use Plastic Straws, Stirrers, and Utensils shall take effect as follows:

A. Prohibition on Single-Use Plastic. Food and 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.

B. Use Accommodation. Food and Beverage Providers Citywide, may retain and dispense plastic straws available upon request as an accommodation to people with disabilities in order to provide equal access to food and beverage services within the City

8.42.025 – Distribution of Disposable Foodware Accessories Only Upon Request

A. Food and Beverage Providers shall comply in its entirety with Chapter 8.46 “Disposable Foodware Accessories” of the City of Glendale Municipal Code (Ordinance No. 5973 adopted September 21, 2021).

B. Food and Beverage Providers shall comply in its entirety with California Public resources Code Division 30, Part 3, Chapter 5.2, Sections 42270, 42271 and 42273 (Assembly Bill 1276 “Single-use foodware accessories and standard condiments,” as approved October 5, 2021, effective January 1, 2022).

8.42.026 – Disposable Foodware Recycling Standards

Commencing ~~on April 22, 2024~~ one-hundred and eighty (180) days after the adoption of the Plastic Waste Reduction Ordinance, Disposable Foodware Recycling Standards shall take effect as follows:

A. Disposable Foodware and Disposable Foodware Accessories shall be disposed of at City recycling collection programs and compost collection programs that are accepted at those programs, and where the disposal of such Disposable Foodware and Disposable Foodware Accessories are certified as free of all fluorinated chemicals by the Biodegradable Product Institute (BPI) or other independent third-party certifying organization or agency that is recognized by the City. Provided, however, non-compostable foil wrappers that are accepted in City recyclable collection programs may be used for food items that require foil in order to contain and form the food item.

B. The City shall maintain on its website a list of suppliers that sell Disposable Foodware and Disposable Foodware Accessories that comply with the Disposable Foodware Standards.

C. Food and Beverage Providers may request an extension or exemption from these regulations pursuant to Glendale Municipal Code section 8.42.040.

8.42.028 – Disposable Cup Charge and Single Use Beverage Bottles

Commencing one-hundred and eighty (180) days after the adoption of the Plastic Waste Reduction Ordinance~~on April 22, 2024~~, a Disposable Cup Charge shall take effect as follows:

A. Food and Beverage Providers shall charge customers twenty-five cents ($0.25) for every Disposable Cup provided.

    1. Income from the Disposable Cup charge shall be retained by Food and Beverage Providers for purposes of funding compliance with City waste reduction regulations.

    2. All Customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women,

Infants, and Children (WIC) pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and as amended, or an electronic benefit transfer card (EBT) issued pursuant to Section 10072 of the California Welfare and Institutions Code, shall be exempt from the Disposable Cup charge.

3. Food and Beverage Providers shall separately identify charges for Disposable Cups on any post-sale receipt provided.

4. Food and Beverage Providers shall identify the disposable cup charge on any menu, ordering platform and/or menu board.

5. Food and Beverage Providers shall inform Customers placing telephone orders of the Disposable Cup Charge.

~~8.42.030 – Single-Use Beverage Bottles~~

B. Commencing one-hundred and eighty (180) days after the adoption of the Plastic Waste Reduction Ordinance, prohibitions on the use, sale, distribution, or provision of single-use Plastic Beverage Bottles or Aseptic Paper Packaging shall take effect as follows:

1. 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.

8.42.030 – Reusable Foodware for Dining on Premises

Commencing on ~~April 22~~January 1, 2024, requirements for the use of Reusable Foodware for On-Premises Dining shall take effect as follows:

A. Prepared Food or Raw Food or Beverages served for consumption on the premises of Food and Beverage Providers shall only be served using 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 8.42.026.

B. Notwithstanding the requirements at Section 8.42.030.A, Food and Beverage Providers that do not have on-site or off-site dishwashing capacity or are unable to contract for services to wash, rinse and sanitize Reusable Foodware in compliance with the California State Health Code may request an extension or exemption pursuant to Section 8.42.040. To obtain an extension or exemption, the Food or Beverage Provider must demonstrate inability to comply due to insurmountable space constraints, undue financial hardship and/or other extraordinary, insurmountable circumstances.

C. All Disposable Foodware and Disposable Foodware Accessories used on the premises by Food and Beverage Providers that are operating under full or partial extension or exemption obtained pursuant to Section 8.42.040 shall conform to the Disposable Foodware Standards in Section 8.42.026.

~~8.42.032 – Single-Use Beverage Bottles~~

~~Commencing on April 22, 2024, prohibitions on the use, sale, distribution, or provision of single-use Plastic Beverage Bottles or Aseptic Paper Packaging shall take effect as follows:~~

~~2. 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.~~

8.42.040 – Exemptions.

A. The City Manager or designee may exempt a Food or Beverage Provider, the City, or a Vendor from the requirements of this Chapter, in whole or in part, upon a showing that complying with the requirements of this Chapter would cause either a significant undue hardship as defined in section 8.42.040.B.

B. 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.

C. Food brought by individuals for personal consumption.

D. Food and beverage providers that have entered into contract to purchase items not conforming to the Disposable Foodware Standards in Section 8.42.026 within the year prior to the operative date of the ordinance codified in this chapter are exempt from the provisions of this chapter for four (4) months following its effective date.

8.42.050 Certification of Compliance

All businesses that are subject to this Chapter shall certify compliance with this chapter on the annual Business Registration Certificate (BRC) renewal.

8.42.060 Education Program.

A public outreach campaign and education program will be implemented during the ~~90~~180-day period following the adoption the Waste Reduction Ordinance (the "Education Program"). Ninety (90) days following the adoption of the Waste Reduction Ordinance a report on the efficacy of the public outreach campaign shall be submitted to the Glendale City Council. ~~The City Manager may extend the Education Program for an additional 90-day period up to one-hundred and eighty (180) days~~. During the Education Program period the City may promulgate rules and establish guidelines for implementing and enforcing this Chapter. The City's Sustainability Officer, or his or her designee, shall post any rules or guidelines in an easily accessible physical location or locations in the City, shall also post them on the City's website and provide copies to any person upon request.

8.42.070 Enforcement.

A. Administrative fines, penalties and costs may be imposed as follows, subject to Chapter 1.24 of the Glendale Municipal Code (Administrative Enforcement Remedies), which includes, among other applicable provisions and procedures, service of notice of violation (GMC section 1.24.050), authority to inspect (GMC Section 1.24.060), administrative citations (GMC section 1.24.190), administrative citation fines; assessment and amounts (GMC section 1.24.220), (GMC section 1.24.330) administrative costs, administrative civil penalties enforcement order (1.24.350).

B. ~~Enforcement shall be suspended during the -day period following the adoption the Plastic Waste Reduction Ordinance, or to the end of any extended Education Program~~. Compliance with the Plastic Waste Reduction Ordinance regulations prohibiting the use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packing materials, polystyrene egg cartons, polystyrene produce trays, and polystyrene meat and fish trays, prohibiting the use and distribution of single-use plastic straws, stirrers, and utensils, implementing recycling standards, imposing disposable cup charges, ~~regulating the use of plastics in on-premises dining~~, and regulating the use, sale, distribution or

provision of single-use plastic beverage bottles or aseptic paper packaging will take effect 180 days following the adoption of the Plastic Waste Reduction Ordinance, but enforcement will be suspended to the end of any extended period of public outreach as directed by the City Council. - July 24, 2023on Earth Day, April 23, 2024. Compliance with the Plastic Waste Reduction Ordinance regulating the use of plastics in on-premises dining will take effect January 1, 2024.

C. Written notice of a violation of this Chapter shall be served on the Food or Beverage Provider, Person or and Vendor by either First-Class mail, or by personal service as specified in GMC section 1.24.050 (Service of Notice).

D. Fines for violation of the Plastic Waste Reduction Ordinance shall be assessed pursuant to the schedule attached to the resolution amending comprehensive citywide fee schedule regarding administrative citation fine amounts adopted to establish ed forfines for violation of the Plastic Waste Reduction Ordinance.

A Food or Beverage Provider, Person or Vendor shall be subject to the following:

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

2. An administrative fine of $25 for the third violation and for each subsequent violation. The administrative fine of $25 shall be imposed for each day the Food or Beverage Provider but shall not exceed $300 per calendar year.

3. An administrative fine shall be due and payable to the city within thirty (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 penalties and related costs, assessed daily at a rate of 7 percent per annum of the outstanding amount of the fine and late fees, if any, which interest shall be calculated from the thirty (30) days after the first billing, or from the date the order becomes final, whichever is later. The City may collect any unpaid fine, including the late fees pursuant to GMC section 1.24.100 (Collection of unpaid fines, penalties, and related costs), which unpaid fines or penalties and their related costs arising from administrative citations, administrative civil penalties actions or other administrative enforcement actions as provided by this code shall be a debt to the city and subject to all remedies for debt collection allowed by law.

4. A Food or Beverage Provider, Person or Vendor who receives a written notice of violation pursuant to this Chapter may request an administrative

~~enforcement hearing pursuant to the procedures set forth in GMC section 1.24.110 (Administrative enforcement and appeal hearings).~~

SECTION 3. Compliance with California Environmental Quality Act.

The City Council finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 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 common sense 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. Further the action is exempt pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), because this ordinance imposes regulations for the protection of the environment through the reduction of plastic waste, including non-biodegradable single use plastics, from entering the waste stream, and from entering and harming 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 _____, 2023, and that the same was passed by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
City Clerk