

Chapter 5.44 NON-MARINE DEGRADABLE DISPOSABLE FOOD SERVICE WARE

5.44.010 Definitions.

- (a) **“Director”** means the Director of Public Works or designee.
- (b) **“Disposable food service ware”** means disposable products intended for single or limited number of uses, used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. Disposable food service ware includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, stirrers, lid plugs, lids and utensils. This does not include disposable packaging for unprepared foods.
- (c) **“Food or beverage provider”** means any business, organization, entity, group, or individual providing prepared food or beverages for public consumption on or off its premises within the City of Santa Monica.
- (d) **“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 one hundred twenty days. Products predominantly made with plastics, either petroleum or biologically based, shall not be considered marine degradable.
- (e) **“Polystyrene”** means a synthetic material made from polymerizing styrene. This type of plastic can be identified as Plastic #6.
- (f) **“Prepared food”** means any food or beverage prepared on the food provider’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten either on or off the premises.

(Added by Ord. No. 2216CCS § 1, adopted 1/9/07; amended by Ord. No. 2586CCS § 1, adopted 8/28/18)

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

- (a) Except as otherwise provided in this Chapter, a food or beverage provider shall dispense prepared food or beverages to customers only in marine degradable disposable food service ware.
- (b) A food or beverage provider shall provide marine degradable disposable straws and utensils to customers only upon request. A food or beverage provider may ask customers whether disposable straws or disposable utensils are needed.
- (c) All City facilities, whether owned or leased by the City, City-managed concessions, City-sponsored events, and City-permitted events shall use only marine degradable disposable food service ware to dispense prepared food or beverages.

- (d) Food and beverage providers, as well as City facilities, City-managed concessions, City-sponsored events, and City-permitted events, may retain and dispense plastic straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services within the City.

(Added by Ord. No. 2216CCS § 1, adopted 1/9/07; amended by Ord. No. 2586CCS § 1, adopted 8/28/18)

5.44.030 Exemptions.

- (a) The Director may exempt a food or beverage provider from the requirements of this Chapter, in whole or in part, upon showing by the food or beverage provider that complying with the requirements of this Chapter would cause significant economic hardship to the food or beverage provider and no reasonable alternative exists that is consistent with the requirements of this Chapter and would mitigate such significant economic hardship.
- (b) Exemptions shall be granted only by the Director for one-year and only upon written application by the food and beverage provider setting forth the factual basis for the exemption. Further exemptions may only be granted by the City Council.
- (c) Exemption decisions shall be effective immediately and shall not be subject to administrative appeal.

(Added by Ord. No. 2216CCS § 1, adopted 1/9/07; amended by Ord. No. 2586CCS § 1, adopted 8/28/18)

5.44.040 Regulations.

The Director is authorized to promulgate regulations to implement the provisions of this Chapter.

(Added by Ord. No. 2216CCS § 1, adopted 1/9/07; amended by Ord. No. 2586CCS § 1, adopted 8/28/18)

5.44.050 Enforcement, penalties, and fines.

- (a) Any person violating any provision of this Chapter, including any administrative regulation authorized herein, shall be guilty of an infraction, which shall be punishable by a fine of not more than two hundred fifty dollars per violation.
- (b) Any person violating any provision of this Chapter, including any administrative regulation authorized herein, may be subject to administrative citations pursuant to Chapter 1.09 of this Code.
- (c) The City Attorney may seek legal, injunctive, or any other relief to enforce this Chapter, including any administrative regulation authorized herein.

(Added by Ord. No. 2216CCS § 1, adopted 1/9/07; amended by Ord. No. 2586CCS § 1, adopted 8/28/18)