



Legislation Text

File #: 18-0352, **Version:** 2

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.63 prohibiting the use of single-use food and beverage containers made of expanded polystyrene (EPS) foam, rigid polystyrene #6, and non-recyclable and non-compostable material for prepared food distribution, read and adopted as read. (Citywide)

At its meeting of October 17, 2017, the City Council requested the City Attorney to develop an ordinance regulating the use of single-use food and beverage containers made of expanded polystyrene (EPS) foam, rigid polystyrene #6 and non-recyclable and non-compostable material for prepared food distribution in the City of Long Beach, and to complete any required review pursuant to the California Environmental Quality Act (CEQA) prior to submitting the ordinance.

Pursuant to the California Environmental Quality Act (CEQA), categorical exemption No. CE-18-035 was prepared and issued. (See Attachment.)

The ordinance is intended to reduce the environmental impacts related to single-use food and beverage containers made of expanded polystyrene foam and nonrecyclable and non-compostable material for prepared food distribution in the City of Long Beach.

The ordinance's provisions include the following:

- Prepared food or beverages shall not be sold or distributed in any food service ware made of made of EPS foam, rigid polystyrene #6 and nonrecyclable and non-compostable material in the City of Long Beach. The ban does not apply to food prepared or packaged outside of the City, provided such food is not altered or repackaged within the City. The ban does not apply to food brought by individuals for personal consumption to City facilities, such as City parks, nor does it apply to raw, uncooked meat, poultry, fish or eggs, unless provided for consumption without further food preparation, nor to fresh produce provided for consumption without food preparation or repackaging.
- Compliance with the ordinance will be phased in. Phase 1 applies to City facilities and City-permitted events three months after adoption (except those with multi-year permits, who must comply within one year of ordinance adoption). Phase 2 takes effect nine months after ordinance adoption, and applies to "large" food providers, defined as seating 101 persons or more, including franchises. Phase 3 applies to establishments seating 100 persons or fewer, and takes effect eighteen months after ordinance

adoption.

- The ordinance will ban retail sales of polystyrene ice chests, polystyrene bean bags and polystyrene craft materials eighteen months after ordinance adoption.
- "Food Provider" means a person or place that provides or sells food within the City to the general public, including but not limited to grocery stores, supermarkets, restaurants, drive-throughs, cafes, coffee shops, snack shops, public food markets, farmers' markets, convenience stores, mobile food vendors, caterers and food trucks.
- Utensils (forks, knives, spoons and the like) and straws for take-away food items may be provided by food establishments only upon request.
- The Health Department will check establishments for compliance as part of their inspection process.
- An exemption may be granted for a maximum of one year upon a finding that compliance would create an undue hardship.

The Council's October 17, 2017 action also called for the City to conduct a study during implementation regarding the impacts of the ban; to study the purchase of "Big 8elly"-type trash cans; and to explore incentive programs for compliance.

[Timing Considerations]

[Fiscal Impact]

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.63 PROHIBITING THE USE OF SINGLE-USE FOOD AND BEVERAGE CONTAINERS MADE OF EXPANDED POLYSTYRENE (EPS) FOAM, RIGID POLYSTYRENE #6, AND NON-RECYCLABLE AND NON-COMPOSTABLE MATERIAL FOR PREPARED FOOD DISTRIBUTION

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