

ORDINANCE 525

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAMON REPEAL AND REPLACE CHAPTER III OF DIVISION B6 OF THE MUNICIPAL CODE TO AMEND THE 1989 ORDINANCE PROHIBITING THE USE OF CHLOROFLUOROCARBON-PROCESSED FOOD PACKAGING (ORDINANCE NO. 166) TO CLARIFY THAT POLYSTYRENE FOAM FOOD PACKAGING IS PROHIBITED

THE CITY COUNCIL OF THE CITY OF SAN RAMON DOES ORDAIN AS
FOLLOWS:

SECTION 1: TITLE B, DIVISION B6 (Health, Sanitation and Environmental Quality), CHAPTER III (Ozone Depletion Control), Article 1 (Chlorofluorocarbon-Processed Food Packaging) of the San Ramon Municipal Code is hereby repealed in its entirety and replaced with the following:

ARTICLE 1 (Polystyrene Foam Food Packaging and Foodware)

B6-51. - Definitions.

As used in this article:

Chlorofluorocarbons or CFC's are the family of chemical substances commonly referred to as such, and contain carbon, fluorine and chlorine, and have no hydrogen atoms and no double bonds.

Customer means anyone purchasing food or beverages from restaurants or retail food vendors.

Food packaging or Foodware means all bags, sacks, wrapping, boxes, containers, bowls, plates, trays, cartons, cups, straws, and lids which are not intended for reuse, on or in which any foods or beverages are placed or packaged on a restaurant's or retail food vendor's premises.

Food vendor means any restaurant or retail food vendor within the city of San Ramon.

Non-reusable food packaging means packaging that has been provided to a customer with the intention of discarding it after a single use. Also known as disposable foodware.

Outdoor food vendor shall have the same meaning as "Outdoor Vendor" defined in Section D8-2 of this Code.

Polystyrene foam food packaging or foodware means any and all plastic food packaging which uses foamed (expanded) or foam material in its manufacture.

Prepared food means beverages and foods which are prepared on the vendor's premises by cooking, chopping, slicing, mixing, freezing, squeezing or otherwise, and which require no further preparation to be consumed. "Prepared food" does not include any raw uncooked meat,

fish and poultry product, or fruits or vegetables which are not chopped, squeezed, mixed or otherwise processed in some fashion.

Reusable food service ware means dishware (cups, glasses, utensils, plates, etc.) that can be used, then washed in a commercial dishwasher roughly 1000 times before needing replacement.

Restaurant means any establishment located within the city of San Ramon, selling prepared food to be eaten on or about its premises by customers. "Restaurant" includes sidewalk and all other outdoor food vendors.

Retail food vendor means any store, shop sales outlet, lunch truck or other business including a grocery store or a delicatessen, other than a restaurant located within the city of San Ramon, which provides or sells takeout food.

Supplier means anyone supplying food packaging to a restaurant or retail food vendor within the city of San Ramon.

Takeout food means prepared foods or beverages requiring no further preparation to be consumed and which may be purchased for consumption off the retail food vendor's premises.

B6-52. -Packaging prohibitions.

A. Restaurants.

1. Except as provided in subsection C of this section, no restaurant shall provide prepared food to its customers in any polystyrene foam food packaging, nor shall any restaurant purchase, obtain or keep any polystyrene foam food packaging for such purpose.
2. All contracts between restaurants and suppliers thereto entered into after May 9, 2024, shall include provisions that the supplier will supply no polystyrene foam food packaging. Failure to comply with such provisions shall constitute a material breach of the contract.
3. All non-reusable food packaging provided to customers shall be recyclable or compostable in accordance with the city's franchised waste hauler program.

B. Retail Food Vendors.

1. Except as provided in subsection C, no retail food vendor shall provide takeout food in any polystyrene foam food packaging, nor shall any retail food vendor purchase, obtain or keep any polystyrene foam food packaging for the purpose of packaging takeout food.
2. All contracts for the purchase of takeout food packaging entered into after May 9, 2024, shall comply with the provisions of subsection (A)(2).
3. All non-reusable food packaging provided to customers should be recyclable or compostable in accordance with the city's franchised waste hauler program.

C. Exceptions.

1. The public works director or his or her authorized representative may exempt a type of packaging from the requirements of this article upon demonstration satisfactory to the public works director or his or her designee that the packaging has no acceptable equivalent and that imposing the requirements hereof would cause undue hardship. Said documentation shall include, but not be limited to, a list of suppliers contacted to determine whether substitutes are available.
2. Food packaging required to be paid for or shipped under a contract executed before May 9, 2024 may be used until December 31, 2024, when enforcement will begin.
3. The city shall not purchase any polystyrene foam food packaging, nor shall such packaging be knowingly utilized at any city-sponsored event occurring within the city on and after May 9, 2024.
4. The public works director or his or her designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this article, including but not limited to, inspection of any food vendor's premises during normal business hours to verify compliance.

B6-53. - Violation— Civil remedies.

A violation of any of the provisions of this article shall constitute a nuisance and may be abated by the city through civil process, by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisance.

B6-54. - Violation—Penalty.

- A. On and after December 31, 2024, it is unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any of the requirements of this article. Any person, firm, partnership or corporation violating any provision of this article or failing to comply with any of its requirements is guilty of an infraction and shall be punished as provided in Title A, Section A1-32.
- B. Each such person, firm, partnership or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this article is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefor as provided in this article.
- C. The provisions of this article shall not be construed as permitting conduct not prescribed herein and shall not affect the enforceability of any other applicable provisions of law.

B6-55 through B6-60. - Reserved.

SECTION 2: CEQA

The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15378 and 15061 of the CEQA Guidelines in that the activity has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the

environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency (the City) for the protection of the environment because it will strengthen the City's regulations regarding use of polystyrene products. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

SECTION 3: Severability

If any part of this Ordinance is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

SECTION 4: Effective Date

This ordinance shall take effect thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance shall be posted in three (3) places within the City of San Ramon along with the names of the members of City Council voting for and against the same.

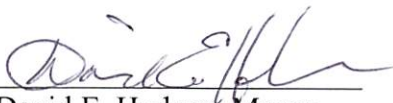
The foregoing ordinance was introduced at the meeting of the City Council of the City of San Ramon on March 26, 2024, and after public hearing, was adopted on April 9, 2024 by the following vote:

AYES: *Cm. Armstrong, Perkins, Rubio, Verose, and Mayor Hudson*

NOES:

ABSENT:

ABSTAIN:



David E. Hudson, Mayor

ATTEST:



Christina Franco, City Clerk