



# City of Culver City

Mike Balkman  
Council Chambers  
9770 Culver Blvd.  
Culver City, CA 90232  
(310) 253-5851

## Staff Report

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**File #:** 21-1000, **Version:** 1

**Item #:** A-4

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**CC - Adoption of an Ordinance Amending, Title 5, Public Works, of the Culver City Municipal Code (CCMC) to Add a New Chapter 5.07 Entitled "Waste Reduction Regulations" and Repealing CCMC Chapter 11.18, Polystyrene Regulations.**

**Meeting Date:** May 24, 2021

**Contact Person/Dept:** Chanel Kincaid/ PW-EPO  
**Phone Number:** 310-253-6445

**Fiscal Impact:** Yes ☒ No ☐

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☐ **Action Item:** ☒ **Attachments:** ☒

**Commission Action Required:** Yes ☐ No ☒ **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (05/20/2021);

**Department Approval:** Charles D. Herbertson, Director of Public Works, City Engineer

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### **RECOMMENDATION**

Staff recommends the City Council adopt Ordinance amending, Title 5, Public Works, of the Culver City Municipal Code (CCMC) to add a new Chapter 5.07 entitled "Waste Reduction Regulations" and repealing CCMC Chapter 11.18, Polystyrene Regulations (the "Ordinance") (Attachment 1).

### **BACKGROUND/DISCUSSION**

#### ***Ordinance***

At the May 10<sup>th</sup> meeting, City Council voted 4-1 to introduce the Ordinance with additional changes resulting in the following final components:

Plastic Regulations, Effective July 1, 2021:

1. No City officer, official, employee, representative or agent who is acting on behalf of the City shall purchase, use, sell or distribute any plastic utensils, plastic stirrers, plastic straws, or polystyrene products while acting on behalf of the City.

2. No contractor who is acting pursuant to any contract or agreement with the City shall purchase, use, sell, distribute or otherwise acquire any plastic utensils, plastic stirrers, plastic straws, or polystyrene products while acting pursuant to such contract or agreement.
3. While acting as an agent on behalf of the City, any agent of the City may only use, sell, distribute, purchase or otherwise acquire utensils, stirrers or straws made from materials which are accepted by the City's organics collection program. However, such City agent may provide plastic straws as an accommodation to a person with a disability who requests a straw in order to enjoy equal access to the food or beverages being provided by that City agent.
4. No City officer, official, employee, representative, contractor or agent, shall use, sell, distribute or otherwise provide any plastic water bottles while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

Plastic Regulations, Effective January 1, 2022:

1. Any regulated entity shall only use, sell or distribute utensils, stirring sticks or straws made from materials which are acceptable by the City's organics collection program and only upon a customer's request for any of those items. Anyone, however, may provide a plastic straw as an accommodation to a person with a disability who requests a plastic straw in order to enjoy equal access to the food or beverages being provided by the regulated entity subject to this provision.

Packing Material Regulations, Effective January 1, 2022:

1. No regulated entity shall sell, distribute or use polystyrene packing material, including, but not limited to, foam, peanuts, packing peanuts, foam popcorn, packing noodles or shipping boxes; provided, however, that the disposal of any polystyrene packing materials which were part of any shipment originating outside of the City shall not constitute a prohibited use under this provision.
2. Packing materials which are reusable, acceptable to the City's recycling program or acceptable to the City's organics collection program are allowed.
3. Any regulated entity using polystyrene packing material for shipping medical devices is exempt from the requirement of Section 5.07.035.A.

Polystyrene Meat, Fish or Poultry Tray, Produce Tray and Egg Carton Regulations, Effective January 1, 2022.

1. No regulated entity may sell, offer for sale or otherwise distribute, within the City, any meat, fish or poultry tray, produce tray or egg carton made, in whole or in part, from

polystyrene. This prohibition shall be applicable to the actual selling, offering for sale or distribution of any such polystyrene item, as well as to the distributing of any of such polystyrene item in conjunction with the selling, offering for sale or distribution of meat, fish, poultry, vegetable, fruit or eggs.

Take-Out and Delivery Regulations, Effective January 1, 2022.

1. Disposable food service ware used by any regulated entity for take-out or delivery must be acceptable to the City's organics collection program and be free of fluorinated chemicals, as certified by the Biodegradable Product institute or other independent, third-party certifying organization or agency recognized by the City. However, paper liners, paper napkins or foil wrappers acceptable to the City's recyclables and/or organics collections program may be used when the food item being served requires paper or foil to contain and/or form the food item being served.

Food Service Ware Regulations for On-Premises Dining, Effective January 1, 2023.

1. Food or beverages served for consumption on the premises of any regulated entity shall only be served on or in food service ware that is reusable. However, paper liners, paper napkins or foil wrappers acceptable to the City's recyclables and/or organics collections program may be used when the food item being served requires paper liners, paper napkins or foil wrappers to contain and/or form the food item being served. To be deemed "reusable" under this provision, food service ware must be manufactured of durable materials specifically designed and manufactured to be safely and repeatedly washed, sanitized and reused over an extended period of time.

Polystyrene Prohibitions, Effective January 1, 2023.

1. No person or regulated entity shall sell any polystyrene food service ware.

The Ordinance is being presented for adoption.

### ***Categorical Exemption***

With the introduction of the Ordinance, the City Council adopted a Class 8 Categorical Exemption (Actions by Regulatory Agencies for Protection of the Environment) pursuant to the California Environmental Quality Act, finding that the proposed Waste Reduction Regulations do not create any potentially significant adverse impacts on the environment. Since the time of the introduction of the Ordinance, no new information has become available and no changes to the Ordinance have been made since the City Council adopted the Class 8 Categorical Exemption; therefore, no additional environmental analysis is required.

### **FISCAL ANALYSIS**

Approximately \$50,000 will be needed to fund and implement a marketing campaign devoted to

providing information about the ban, designing, printing brochures, and conducting educational workshops. The request for \$50,000 has been included in the Refuse Enterprise Fund's FY 2021/2022 Proposed Budget. This expense will be paid from Account # (20260400.517310).

## **ATTACHMENTS**

1. Waste Reduction Regulations Ordinance

## **MOTION**

That the City Council:

Adopt an Ordinance amending, Title 5, Public Works, of the Culver City Municipal Code to add a new Chapter 5.07 entitled "Waste Reduction Regulations" and repealing Chapter 11.18 Polystyrene Regulations.