



Ordinance Fact Sheet

TO: City Council

DATE: July 19, 2021

FROM: City Attorney

SUBJECT: DISPOSABLE ACCESSORY FOODWARE ITEMS ORDINANCE

TITLE OF PROPOSED ORDINANCE:

ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 8.63 TO TITLE 8 OF THE PASADENA MUNICIPAL CODE ENTITLED "DISPOSABLE ACCESSORY FOODWARE ITEM OPT-IN REQUIREMENT FOR RESTAURANTS AND THIRD-PARTY APP-BASED DELIVERY PLATFORMS"

PURPOSE OF THE ORDINANCE:

The purpose of this ordinance is to regulate the dispensing of disposable accessory foodware items to reduce waste by requiring restaurants and other food services providers to provide disposable accessory foodware items only upon request by the customer, and to require third-party app-based delivery platforms to include an option for customers to request disposable accessory foodware items with their food and beverage orders. This ordinance also supports the City's adopted Green City Action Plan goals of reducing the volume of landfill waste; reducing the use of disposable product category; protecting the watershed; and helping to promote a clean and sustainable environment.

REASONS WHY LEGISLATION IS NEEDED:

At its April 12, 2021 meeting, the City Council directed the City Attorney to prepare this ordinance.

MEETING OF 07/19/2021

AGENDA ITEM NO. 16

COMPARISON WITH ORDINANCES OF NEIGHBORING JURISDICTIONS:

At its June 21, 2021 meeting the City Council requested additional information from staff concerning ordinances adopted by other jurisdictions.

Public Works staff compared the accessory foodware ordinances recently adopted by the cities of Alhambra, Santa Monica and Los Angeles and the County of Los Angeles. (See Attachment A.) All of these adopted ordinances prohibit providing accessory foodware items unless requested by the customer and permit offering the items to drive-thru and delivery customers. The cities of Alhambra and Santa Monica and County of Los Angeles ordinances also permit offering foodware items to dine-in and take-out customers, whereas the City of Los Angeles ordinance prohibits it. The City of Los Angeles also prohibits providing self-service foodware dispensers or stations.

On March 23, 2021, the Municipal Services Committee (MSC) directed staff to draft an ordinance that would require disposable accessory foodware items be made available to customers for takeout and delivery only upon customer request (the ordinance would allow restaurants to notify customers that disposable accessory foodware items are available but would prohibit automatically providing such items with an order). In addition, the ordinance would require third-party and app-based delivery platforms to include an option for a customer to affirmatively request disposable accessory foodware items when placing an order. MSC emphasized that the proposed ordinance should be consistent with Pasadena's surrounding communities and asked staff collaborate with the Pasadena Chamber of Commerce and the California Restaurant Association in developing the specifics of the ordinance.

The City Manager recommends that the City adopt the proposed City of Pasadena ordinance which is consistent with the City of Alhambra, City of Santa Monica and County of Los Angeles' ordinances.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Public Works Department and Department of Public Health will be affected by this ordinance.

ENVIRONMENTAL DETERMINATION:

On April 12, 2021, the Council determined that the proposed action is exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

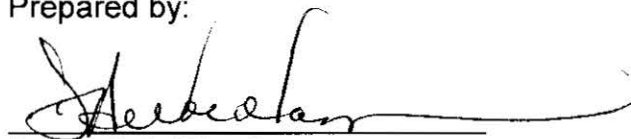
FISCAL IMPACT:

Staff anticipates spending up to \$10,000 of the Fiscal Year 2021 Waste/Recycling budget for print ads publicizing the ordinance and for printing flyers and other program materials to educate the business community and public about this new requirement.

Respectfully submitted,


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City Attorney

Prepared by:


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Concurred by:


Steve Mermell
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