

**ORDINANCE NO. O2M21-4783**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALHAMBRA  
ADDING CHAPTER 6.13 TO THE ALHAMBRA MUNICIPAL CODE  
PERTAINING TO DISPOSABLE FOODWARE ITEMS OPT-IN  
REQUIREMENT FOR RESTAURANTS AND THIRD-PARTY APP-  
BASED DELIVERY PLATFORMS**

THE CITY COUNCIL OF THE CITY OF ALHAMBRA DOES ORDAIN AS  
FOLLOWS:

SECTION 1. Findings. The City Council finds and declares as follows:

- A. Disposable foodware items are intended to be used once then discarded. These items pose waste management challenges and can persist in the environment for many years, causing harm to wildlife and blight to waterways. The production, use and disposal of these items have substantial environmental impacts, including environmental contamination; consumption of energy, water, and non-renewable, polluting fossil fuels; emissions of greenhouse gases; release of air and water pollutants; depletion of natural resources; litter on streets and in waterways; plastic pollution; and increased waste clean-up and management costs.
- B. Plastics in waterways and oceans break down into smaller pieces that are not biodegradable. Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish, other seafood and salt that is eventually sold for human consumption. Disposable foodware items can also contain harmful fluorinated chemicals that are linked to serious health conditions.
- C. The practice of freely giving customers disposable foodware items encourages customers, retailers, and food vendors to pay little attention to the quantity of disposable packaging products they consume and the associated environmental impact.
- D. Policies that limit the use of disposable foodware items encourage both reuse of materials and reduction of pollutants. These twin strategies are crucial for conserving resources and protecting the environment.

SECTION 2. Chapter 6.13 is hereby added to the Alhambra Municipal Code to read as follows:

“Chapter 6.13, Disposable Foodware Items

6.13.010 Definitions

6.13.020 Limitation on the Use of Disposable Foodware Items

6.13.010 Definitions

(a) “Disposable” means items designed to be used once or a limited number of times and then discarded, whether the item is non-recyclable, recyclable or compostable.

(b) “Food Service Establishment” means any establishment, located or providing food within the City of Alhambra, which provides prepared and ready to consume food or beverages, for

public consumption including but not limited to any eating and drinking service, takeout service, supermarket, delicatessen, restaurant, food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, cart or other sidewalk or outdoor vendor or caterer which provides prepared and ready-to consume food or beverages, for public consumption, whether open to the general public or limited to certain members of the public (i.e., company cafeteria for employees).

(c) "Foodware Item" means any item used or provided by Food Service Establishments to consume food or beverages, other than the containers holding the food or beverage. Foodware Items include, condiment cups and packets, straws, utensils (forks, spoons, sporks, knives, chopsticks), drink stirrers, beverage spill plugs, napkins, and other drink or food accoutrements.

(d) "Prepared Food" means any food or beverage prepared for consumption using any cooking, packaging, or food preparation technique, including but not limited to cooking, chopping, slicing, mixing, freezing, squeezing, or brewing, and which requires no further preparation to be consumed. Prepared Food includes uncooked fruits or vegetables, "take-out" food, or food prepared to be consumed off the Food Service Establishment premises. Prepared Food does not include any uncooked meat, fish or poultry.

(e) "Third-party App-based Delivery Platform" means any service that delivers food from a Food Service Establishment to a customer based upon orders submitted via telephone, website or app.

#### 6.13.020 Limitation on the use of Disposable Foodware Items

(a) Food Service Establishments shall provide Disposable Foodware Items only upon customer request or at a self-serve station. This provision does not prohibit a Food Service Establishment from asking a customer if they would like Disposable Foodware Items with their order.

(b) Third-party App-based Delivery Platforms shall include an option during the ordering process to allow the customer to affirmatively request Disposable Foodware Items as a part of their delivery or takeout order."

SECTION 3. City Staff is directed to work with Food Service Establishments to make customers aware of the requirements of this Ordinance and its environmental benefits.

SECTION 4. The Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Ordinance is also exempt from CEQA pursuant to Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional

without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance takes effect 40 days from the date of its adoption.

SECTION 7. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED THIS 12<sup>th</sup> DAY OF APRIL, 2021.

/s/ Sasha Renée Pérez  
Mayor Sasha Renée Pérez

ATTEST:

/s/ Lauren Myles  
Lauren Myles, City Clerk

APPROVED AS TO FORM

/s/ Joseph M. Montes  
Joseph M. Montes, City Attorney

I, Lauren Myles, City Clerk of the City of Alhambra, certify Ordinance No. O2M21-4783 was adopted by the City Council at a regular meeting held on the 12<sup>th</sup> day of April, 2021, by the following vote:

AYES: LEE, MAZA, MALONEY, ANDRADE-STADLER, PÉREZ  
NOES: NONE  
ABSENT: NONE

/s/ Lauren Myles  
Lauren Myles, City Clerk