



Model Ordinance Requiring Events to be Single-Use-Plastic-Free

AN ORDINANCE of the [insert name of jurisdiction]
AMENDING [if ordinance is amending prior legislation, insert reference]

Section 1. Findings and Purpose

[Jurisdiction] finds and declares as follows:

A. Plastic litter tossed on the street is washed away by rain or travels via storm drains into rivers and streams. Single-use plastic foodware—including plates, utensils, cups, lids, straws, bottles and other containers—is a major contributor to street litter, ocean pollution, and marine and other wildlife harm.

B. Single-use plastic foodware made up over 25% of all trash found on California beaches during California Coastal Cleanup Days between 1988 and 2017. In recent California beach cleanups, 6 of the top 10 items collected are single-use plastics like food wrappers and containers, plastic bags, bottles, cups and lids, straws, and plates.

C. According to a 2019 UCLA School of Law report, local governments across the United States spend between \$3.2 and \$7.9 billion annually on plastic litter clean up and management. Since the majority of single-use plastic items are not recycled, they create additional monetary and environmental costs as landfill.

D. Global plastic production and consumption has increased significantly since the introduction of plastic to the manufacturing industry in 1950, amounting to over 8.3 billion tons of plastic annually. The production, consumption and disposal of single-use plastics contribute significantly to planet-warming greenhouse gas emissions at every point in their life cycles.

E. Plastics in waterways and oceans break down into smaller pieces, resulting in microplastics 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.

F. Exposure to microplastics, as well as the chemicals that are added to plastics during processing, harms human health. Many of the chemicals in plastics are known endocrine disruptors, and research has suggested that human exposure could cause health impacts including hormonal imbalances, reproductive problems, and cancer.

G. When businesses decrease the number of disposables they offer customers, they can help reduce waste, beautify local beaches, and protect the wildlife and ecosystems that support tourism.

H. It is in the interest of the health, safety and welfare of all who live, work, and do business in [jurisdiction] to reduce the amount of plastic litter on public streets, parks, [beaches] and in other public places.

Section 2. Definitions

For the purposes of this ordinance, the following words shall have the following meanings:

“Disposable plastic food serveware fee” means an annual fee levied by the [Department of Environmental Health or equivalent entity] that is deposited into a Reusable Food Serveware Transition Account.

“Event” means any gathering located within [jurisdiction name] in which 75 or more people attend or participate, and that incorporates the use of: [jurisdiction] streets, sidewalks and rights of way; [jurisdiction] public parks or other [jurisdiction] property; or outdoor private property only when the property is part of a special event venue that includes [jurisdiction] public property. Examples of special events include festivals, parades, runs/walks, farmer’s markets and other planned group activities that require the coordination of a number of city departments or other agencies.

“Host Organization” means the responsible entity named in a [Special Event Permit] application submitted to [jurisdiction] that is legally and financially responsible for the overall organization, management, and implementation of an event and its related activities. The Host Organization is responsible for complying, and for ensuring event vendors and service providers comply, with all permit terms and conditions.

“Single-use plastic foodware” means any plastic product generally designed to be used once before being disposed of or recycled. This includes, but is not limited to, plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, bottles, straws, lids, utensils, stirrers, lid plugs, or any container in or on which beverages or prepared and raw food are placed or packaged in for consumption. This does not include disposable packaging for unprepared foods.

“Reusable food serveware” means all food serveware including plates, bowls, cups, glasses, trays, straws, stirrers, condiment cups and utensils that are manufactured of durable materials and specifically designed to be used more than once and to be washed and sanitized repeatedly over an extended period of time.



“Reusable food serviceware transition account” is the repository for fees levied on the use of disposable food serviceware by Host Organizations. Funds from the account are specifically designated to provide direct funding to Host Organizations for the transition from disposable to reusable food ware.

Section 3. Regulated Conduct

A. Starting [month, date, year], Host Organizations, and the vendors or food service providers associated with a Host Organization’s event, are prohibited from selling or providing food and beverages (including water) using single-use plastic foodware.

B. Starting [month, date, year], all new permits awarded by [jurisdiction] allowing any Host Organization to use [jurisdiction] property for an event shall specifically require the permittee to comply with this ordinance.

Section 4. City Facilities and Events

A. No [jurisdiction] officer, department, or agency (collectively, “department”) shall use [jurisdiction] funds to purchase single-use plastic foodware, including disposable plastic water bottles, for general use or for a [jurisdiction]-sponsored event or gathering on [jurisdiction] property.

B. All [jurisdiction] facilities, whether owned or leased by the [jurisdiction], [jurisdiction]-managed concessions, and [jurisdiction]-sponsored events, shall not use or distribute single-use plastic foodware to dispense prepared food or beverages (including water).

Section 5. Waivers and Exclusions

A. A [jurisdiction] officer, department, or agency (collectively, “department”) responsible for permitting an Event may seek from [the Department of Environment] a waiver of the requirements of Section 3 and 4 in full or in part if the Host Organization or responsible party demonstrates to the satisfaction of [the DOE] that strict application of the requirement would not be feasible, would create an undue hardship or practical difficulty, or that the circumstance would otherwise warrant granting of the waiver. [The DOE’s] decision to grant a waiver shall be in writing and shall be final. The [DOE] shall act on a waiver request no later than [xx] days after receipt of a request.



B. Event Organizations that are granted a waiver of Section 3 requirements shall pay a Disposable Plastic Food Serviceware Fee of:

- 1) Up to [\$XX] for the first waiver to a Host Organization;
- 2) Up to [\$XX] for the second waiver granted to the same Host Organization; and
- 3) Up to [\$XX] for the third and subsequent waivers granted to the same Host Organization.

C. Funds collected by the [solid waste/recycling program] shall be deposited in the [jurisdiction] Reusable Food Serviceware Transition Account. The [solid waste/recycling program] shall determine how to distribute these funds with the express purpose of making these funds available to assist Host Organizations in transitioning to reusable food serviceware.

Section 6. Enforcement

A. Any person who violates any provision of Section 3, or any administrative regulation adopted under the Article to implement that Section, may be punished by an administrative fine imposed by the Director of the Department of the Environment in the amount of:

- 1) Up to [\$XX] for the first violation;
- 2) Up to [\$XX] for the second violation; and
- 3) Up to [\$XX] for a third and subsequent violation.

Plastic Reduction City Assistance and Model Ordinance Resources

- <https://upstreamolutions.org/reuse-acceleration-policies/#resources>
- <https://www.productstewardship.us/page/PlasticPolicies>
- [https://cleanoceanaction.org/fileadmin/editor_group2/Beach Sweeps/Marine Debris/NJ Single-Use Plastics/COA Model Ordinance - Multifaceted straws bags polystyrene .pdf](https://cleanoceanaction.org/fileadmin/editor_group2/Beach_Sweeps/Marine_Debris/NJ_Single-Use_Plastics/COA_Model_Ordinance_-_Multifaceted_straws_bags_polystyrene_.pdf)
- <https://plasticpollutioncoalitionresources.org/resources/toolkits-guides/>
- <http://www.rethinkdisposable.org/governments>
- California definition of “marine degradable” (PRC Section 42357)
<https://codes.findlaw.com/ca/public-resources-code/prc-sect-42357.html>



Existing Ordinances

Berkeley, CA

Ordinance no. 7639-N.S. , Sections 11.64.040, 11.64.050, 11.64.060

San Francisco, CA

Ordinance No. 294-18, Section 1611

Manhattan Beach, CA

Ordinances 13-0009 through 19-0009

Solana Beach, CA

[https://www.ci.solana-beach.ca.us/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Ordinance No. 504 - Single Use Plastics Prohibitions.pdf](https://www.ci.solana-beach.ca.us/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/Ordinance_No._504_-_Single_Use_Plastics_Prohibitions.pdf)