

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF
OCEANSIDE, CALIFORNIA, ADDING CHAPTER _____ TO THE OCEANSIDE
MUNICIPAL CODE, RELATING TO PLASTICS REDUCTION**

The City Council of the City of Oceanside does ordain as follows:

1. Findings. The City Council hereby finds and declares the following:

A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Oceanside and Article 11, Section 7 of the California Constitution.

B. The ordinance reflects the City's strong interest in supporting the reduction of littered plastic products to protect the environment, conserve resources, improve cleanliness of the City's public areas and increase the overall quality of life for City of Oceanside business owners, residents, and visitors by implementing more sustainable practices in the City. This ordinance is further intended to reduce littered plastic products within the City that burden local governments with substantial environmental cleanup costs.

2. Code Amendment

A. is added to the Oceanside Municipal Code to read as follows:

Chapter _____

Plastics Reduction

Sections:

Section _____ Definitions

**Section _____ Single-Use Beverage Straws, Single-Use Stirrers, Single-Use
Cutlery, and Accessory Food Service Ware Products.
Definitions**

Section _____ Waivers

Whenever the following words are used in this chapter, they shall have the meaning ascribed to them in this section:

“Accessory Food Service Ware Products” means accessory items used as part of, or accompanying, Prepared Food and/or other Food Service Ware Products including, but not limited to utensils, straws, stirrers, napkins, condiment packets, cup lids, cup sleeves, cocktail picks, spill plugs.

“Beverage Provider” means any business, organization, entity, group, or individual located in the City that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

“City” means the area within the territorial city limits of the City of Oceanside and such territory outside the city over which the City has jurisdiction or control by virtue of any constitutional provision or any law.

“City Facility” means any building, structure, or park owned or operated by the City.

“City Sponsored Event” means any event organized or sponsored by the City or any City department.

“Customer” means any Person purchasing or otherwise receiving food from a Food Service Provider.

“Distribute” means to provide or offer to provide an item, regardless of whether compensation is received.

“Food Service Provider” means any Person or establishment that provides or sells Prepared Food or beverages on or off its premises within the City including, but not limited to: (i) a restaurant, cafe, coffee shop, fast food restaurant, drive- thru service, grocery store, supermarket, convenience store, delicatessen, cafeteria, farmers' market, or similar fixed place where Prepared Food is available for consumption on or off the premises; (ii) any mobile store, food vendor, caterer, food truck, or similar mobile food service that provides Prepared Food; and (iii) transient lodging facilities including, but not limited to, hotels, motels, and bed and breakfasts that provide Prepared Food for guests, Customers, or visitors, regardless of whether the Prepared Food is complementary or available for purchase by the Customer.

“Person” means any person, business, corporation, or event organizer or promoter, public, nonprofit, or private entity, agency or institution, or partnership, association, or other organization or group, however organized.

“Prepared Food” means food or beverages that are prepared and served by the Food Service Provider using any cooking or food or beverage preparation technique and that are ready to consume, either on or off the Food Service Provider's premises, without further food or beverage preparation or repackaging. Prepared Food does not include raw or uncooked whole fruits or vegetables that are not prepared through chopping, squeezing, blending, mixing, or otherwise altered through food preparation, or uncooked meat, poultry, fish, or eggs that are not provided for further consumption without food preparation

“Single-Use Beverage Straw” means any tube, which is intended for one-time use for transferring a beverage from its container to the mouth of the drinker and that is predominantly made of plastic derived from petroleum or a biologically based polymer, such as corn or other plant sources, including compostable and biodegradable petroleum or biologically based polymer straws.

“Single-Use Cutlery” means any utensil, such as a fork, spoon, spork, or knife, which is intended for one-time use and that is predominantly made of plastic derived from petroleum or a biologically based polymer, such as corn or other plant sources, including compostable and biodegradable petroleum or biologically based polymer cutlery.

“Single-Use Stirrer” means any device, which is intended for one-time use to mix beverages and that is predominantly made of plastic derived from petroleum or a biologically based polymer, such as corn or other plant sources, including compostable.

Section _____ Single-Use Beverage Straws, Single-Use Stirrers, Single-Use Cutlery, and Accessory Food Service Ware Products

A. Beginning on January 1, 2022, no Food Service Provider in the City shall Distribute Single -Use Beverage Straws, Single-Use Stirrers, Single-Use Cutlery, Single-Use Condiment Packets, Single-Use Chopsticks, or Accessory Food Service Ware Products with Prepared Food, except upon Customer request.

B. Beginning as soon as practical, but no later than January 1, 2022, no Person shall Distribute Single-Use Beverage Straws, Single-Use Stirrers, Single-Use Cutlery, or Accessory Food Service Ware Products with Prepared Food, except upon Customer request, at any City Facility or any City-Sponsored Event.

C. Nothing in this section prohibits a Food Service Provider in the City or a Person at any City Facility or any City-Sponsored Event from informing Customers that they may request Single-Use Beverage Straws, Single-Use Stirrers, Single-Use Cutlery, or Accessory Food Service Ware Products with Prepared Food.

D. Nothing in this section prohibits a Food Service Provider in the City or a Person at any City Facility or any City -Sponsored Event from making Single-Use Beverage Straws, Single-Use Stirrers, Single-Use Cutlery, or Accessory Food Service Ware Products available from dispensers accessible to Customers.

Section _____ Waivers

A. An applicant may seek a waiver or a waiver renewal in accordance with this section by submitting an application on a form approved by the City Manager or designee. Waiver renewal applications must be submitted no later than 30 days prior to the expiration of an initial waiver. The City Manager or designee may require an applicant to submit additional information or documentation before making a determination regarding the waiver.

B. The City Manager or designee may grant a waiver from the provisions of Sections _____ if the applicant has annual gross receipts of less than \$1, 000,000, as demonstrated by either: (i) the applicant's sworn statement of gross receipts for an initial business license under Section _____ the applicant' s sworn statement of gross receipts for a renewal business license under Section _____. Under either option, the reported gross receipts must be based on that for the single entity to which the waiver will apply.

C. The City Manager or designee may grant an initial waiver for up to six months and may grant one renewal waiver for up to an additional six months. In no event shall an applicant receive waivers totaling more than 12 months for a single entity."

3. Effective Date. This Ordinance shall be effective on the thirty-first day following the date of its adoption.

4. Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council of the City of Oceanside held on August 4, 2021, by the following vote: AYES: NOES: ABSTAIN: None
APPROVED AS TO FORM.