

STAFF REPORT

DATE: June 6, 2017

TO: City Council

FROM: Robert A. Clarke, Public Works Director
Stan Gryczko, Assistant Public Works Director
Richard Tsai, Environmental Resources Manager

SUBJECT: Second Reading of the Beverage Straw Ordinance

Recommendation

Adopt the Ordinance to restrict the distribution of straws in beverages at sit-down restaurants unless requested by customers.

Fiscal Impact

There would be a minimal impact (up to \$1,000 annually) on the City's solid waste budget to cover expenses associated with outreach and assistance to businesses related to the Beverage Straw Ordinance. Adequate outreach funds are included in the baseline budget in the Solid Waste Program to address this expense.

Council Goal

While not a specific task, this ordinance is consistent with the Council Goal to Pursue Environmental Sustainability and Objective 3 to Conserve Resources in an Environmentally Responsible Manner.

Background and Analysis

This ordinance was introduced to City Council on May 23, 2017. Council voted unanimously to support the ordinance. Staff would continue to conduct business outreach efforts through January 2018 to provide notice of the Ordinance to affected businesses and to assist them with compliance on an as needed basis. An implementation timeline is provided below.

Date	Action
May 23, 2017	Beverage Straw Ordinance First Reading
June 6, 2017	Beverage Straw Ordinance Second Reading
September 1, 2017	Ordinance goes into effect
May 2017 - January 2018	Outreach to business community

Attachments

1. Beverage Straw Ordinance

ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS ADDING
ARTICLE 17.03 TO THE CITY OF DAVIS MUNICIPAL CODE TO ENACT
PROCEDURES AND PROHIBITONS REGARDING THE DISTRIBUTION OF
BEVERAGE STRAWS TO REDUCE WASTE AND SETTING FORTH THE
PENALTIES FOR VIOLATION**

WHEREAS, on December 6, 2011, the City Council adopted Resolution No. 11-185, Series 2011, in which the City announced its intention to strive to implement zero waste strategies; and

WHEREAS, one of the City Council goals is to Pursue Environmental Sustainability; and

WHEREAS, the City Council desires to conserve resources and reduce greenhouse gas (GHG) emissions, waste, litter, and pollution; and

WHEREAS, eliminating the distribution of unneeded straws provided to customers reduces the amount of plastic that can end up in our environment through litter, windblown debris, and overflowing trash cans; and

WHEREAS, to increase awareness in our community of the simple decisions we can all make to reduce waste; and

WHEREAS, to allow customers to make a choice regarding whether or not they want a straw for their beverage; and

WHEREAS, this Ordinance reflects the zero waste goals and strategies outlined in the 2013 Integrated Waste Management Plan, approved by City Council in July, 2013.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

SECTION 2. Section 17.03 shall be added to the City of Davis Municipal Code as follows:

ARTICLE 17.03 BEVERAGE STRAWS

17.03.010 Definitions.

17.03.010 Beverage Straws Upon Request

17.03.020 Exemptions

17.03.030 Penalties

17.03.010 Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Beverage Straw" means a tube for transferring a beverage from its container to the mouth of the drinker.
- (b) "Dine-In Customer" means a customer that orders and consumes Prepared Food on a Restaurant's premises.
- (c) "Fast Food Service" means food service establishments that serve food and/or beverages (1) via a drive-through; (2) in a packaged form for take-out/take-away; or (3) from stands or kiosks which provide no shelter or seating for customers.
- (d) "Person" means an individual, business, event promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.
- (e) "Prepared Food" means food or beverage prepared for consumption on the Restaurant's premises, using any cooking or food preparation technique.
- (f) "Restaurant" means any vendor located or providing food within the City of Davis which provides Prepared Food for public consumption on its premises.
- (g) "Single-Use" means a product that is designed to be only used one time in its same form by the customer, food vendor or other entity.
- (h) "Take-Out Food Orders" means prepared meals or other food or beverage items that a customer purchases at a Restaurant and intends to eat elsewhere.

17.03.010 Beverage Straws Upon Request

On and after September 1, 2017:

- (a) Restaurants shall ask each Dine-In Customer if the customer wants a Single-Use Beverage Straw before providing a Single Use Beverage Straw to the customer.

17.03.020 Exemptions

- (a) Fast Food Service and Take-Out Food Orders are exempt from this ordinance.

17.03.030 Penalties

- (a) Any Person violating any section of this article is guilty of an infraction. The first violation shall be subject to a fine not to exceed one hundred dollars (\$100). The second violation within a six-month period shall be subject to a fine not to exceed two hundred dollars (\$200), and not to exceed five hundred dollars (\$500) for the third and subsequent violations occurring within a one-year period.
- (b) The remedies provided herein shall be in addition to all other remedies authorized by law and the enumeration of certain remedies in this article shall not preclude the application of any other remedies not herein enumerated.
- (c) An administrative citation including associated fines may be issued for any violation of this article pursuant to Davis Municipal Code Chapter 1, Article 1.02.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law.

SECTION 5. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Davis City Council on the 23rd day of May 2017, and was passed and adopted at a regular meeting of the Davis City Council on the 6th day of June 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

Robb Davis
Mayor

ATTEST:

Zoe Mirabile, CMC
City Clerk