

## **Expanded Polystyrene + Straws/Stirrers/Utensils – Ordinance Type D:**

### **A. Food Service Ware**

- Food vendors may not sell, offer for sale, or otherwise distribute prepared food in food service ware made, in whole or part, from polystyrene foam or that is not compostable or recyclable.
- No person may sell, offer for sale, or otherwise distribute within the city any food service ware that is not either compostable or recyclable, or made in any part from expanded polystyrene.
- City facility food providers, City departments, City contractors and lessees may not use food service ware for prepared foods in city facilities that is made in any part from expanded polystyrene, or that is not compostable or recyclable.

### **B. Plastic Straws/Stirrers/Utensils**

- No restaurant, including fast food restaurants, beverage provider, or vendor shall use, provide, distribute, or sell plastic beverage straws, plastic stirrers, or plastic cutlery.
- Non-plastic alternative straws, stirrers, or cutlery shall only be provided upon request by the customer.
- No person shall distribute plastic beverage straws, plastic stirrers, or plastic cutlery at any city facility or any city-sponsored event.

### **B. Definitions**

- “Plastic beverage straw” means a straw made predominantly of plastic derived from either petroleum or a biologically based polymer from plant sources. Includes compostable and biodegradable petroleum or biologically based polymer straws. Excludes straws made from non-plastic materials, such as paper, sugar cane, bamboo, etc.
- “Plastic cutlery” means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer from plant sources. Includes compostable and biodegradable petroleum or biologically based polymer cutlery. Excludes cutlery made from non-plastic materials.
- “Plastic stirrer” means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer from plant sources. Includes compostable and biodegradable petroleum or biologically based polymer stirrers. Excludes stirrers made from non-plastic materials.

### **C. Exemptions**

- Food prepared or packaged outside of the City.
- The City Manager or designee may approve the exemption for a maximum of one (1) year, with or without conditions, upon finding that compliance would create an Undue Hardship based on a demonstrated feasibility based hardship or where compliance is unreasonably financially prohibitive.

### **D. Example**

- **Malibu Ordinance No. 412 plus Ordinance No. 432**