

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CATHEDRAL CITY CALIFORNIA ADDING CHAPTER 5.94 TO
THE CATHEDRAL CITY MUNICIPAL CODE PROHIBITING
PLASTIC BEVERAGE STRAWS**

WHEREAS, Eco-Cycle estimates that 1.5 plastic beverage straws are used per day per person in the United States, which would result in approximately 81,000 plastic beverage straws being used each day within Cathedral City, contributing a huge amount of waste to our landfills;

WHEREAS, the City is responsible for waste diversion from the landfills under the Integrated Waste Management Act, and reducing the amount of waste in landfills also reduces solid-waste related greenhouse gas emissions;

WHEREAS, while plastic beverage straws are generally unnecessary for able-bodied persons to consume beverages, the City Council recognizes that total prohibitions on plastic beverage straws can present problems for persons with disabilities who need plastic beverage straws to safely or comfortably consume beverages; and

WHEREAS, this Ordinance will drastically reduce the amount of plastic beverage straw waste generated within the City while ensuring that those who need plastic beverage straws are able to obtain them.

**THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Addition of Chapter 5.94.

A new chapter 5.94 is added to the Cathedral City Municipal Code to read as follows:

“Chapter 5.94 PLASTIC BEVERAGE STRAWS

”5.94.010 Definitions

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

Plastic beverage straw means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. Plastic beverage straws include compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, glass, silicone or stainless steel.

5.94.020 Plastic Beverage Straws Prohibited

A. No beverage provider shall use, provide, distribute, or sell plastic beverage straws unless a plastic beverage straw is requested by a person with a disability that requires the use of a plastic beverage straw in order to safely or comfortably consume the beverage.

B. Nothing in this section precludes a beverage provider from using or making non-plastic beverage straws available to customers.

C. Nothing in this section precludes a beverage provider that also engages in the sale of grocery items, such as a supermarket, convenience store, club warehouse store or discount retailer, from selling plastic beverage straws in bulk packaging of at least twelve or more straws.

5.94.030 Enforcement

In addition to any other remedy provided for by this Code, any violation of the provisions of this chapter by any beverage provider is subject to administrative citation pursuant to Chapter 13.58 of this Code. The administrative fine for each violation shall be one thousand dollars.

SECTION 2. CEQA.

The City Council hereby finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that this Ordinance does not have the potential to cause a significant effect on the environment. This Ordinance is also exempt from CEQA under State CEQA Guidelines 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

SECTION 3. Effective Date.

This Ordinance shall be effective 30 days from and after its final passage. Notwithstanding the foregoing, the City Council hereby mandates a grace period of ninety (90) days from the effective date of this Ordinance to educate beverage vendors of the terms of this Ordinance, during which time no action shall taken by the City to enforce this Ordinance.

SECTION 4. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Cathedral City hereby declare they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Publication.

The City clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

INTRODUCED at the regular meeting of Cathedral City City Council on the 29th day of August, 2018.

APPROVED AND ADOPTED this ___ day of _____, 2018.

Stanley E. Henry, Mayor

ATTEST:

APPROVED AS TO FORM:

Gary F. Howell, City Clerk

Eric S. Vail, City Attorney