

ORDINANCE NO. 1640 (2017 Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, ADDING CHAPTER 8.09 TO THE SAN LUIS OBISPO MUNICIPAL CODE REGULATING SINGLE-USE BEVERAGE STRAWS

WHEREAS, the City of San Luis Obispo (“City”) has the police power to protect the health, safety and welfare of the community, including the ability to protect and enhance the natural environment; and

WHEREAS, the City’s General Plan Conservation and Open Space Element has a number of policies and goals (COSE 5.4.3, 5.5.3, & 5.4.1) that recognize the City’s responsibility for waste diversion, efficient use of materials, and recycling, and encouraging residents and businesses to do so as well; and

WHEREAS, the City’s Climate Action Plan Solid Waste Chapter has an overall goal to prevent, reduce, reuse and recycle solid waste to minimize the amount of waste being sent to the landfill and to provide waste reduction education to the City’s consumers; and

WHEREAS, the City’s Climate Action Plan Solid Waste Chapter has an ultimate goal of reducing the amount of waste that ends up in the landfill which can reduce solid waste-related greenhouse gas emissions associated with transport and organic decomposition of materials; and

WHEREAS, the Integrated Waste Management Authority (IWMA) in San Luis Obispo reports that approximately 400,000 beverage straws are used every day in San Luis Obispo County which are not being recycled and ending up as landfill waste or as litter; and

WHEREAS, the IWMA reports that studies have shown that 80% of customers will say no if asked if they want a straw; and

WHEREAS, Environmental Center of San Luis Obispo (ECOSLO) reports that plastic straws and stirrers were the #10 most collected debris at the 2017 SLO County Coastal Cleanup Day – totaling 1,363 straws and stirrers collected; and

WHEREAS, the Ocean Conservancy reports that plastic straws and stirrers were the number seven most collected items at the 2016 International Coastal Cleanup which spans 112 countries, collecting 409,097 plastic straws and stirrers; and

WHEREAS, regulating the use of single use beverage straws within the City will help protect the City’s natural environment from contamination and degradation; and

WHEREAS, the City Council of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on October 24, 2017 for the purpose of considering regulations to restrict the use of single-use beverage straws; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein by this reference as the findings of the City Council.

SECTION 2. Environmental Determination. The proposed Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency (the City) for the protection of the environment because, among other things, it will reduce the amount of single use straws that enter the local landfill, waterways, and beaches. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

SECTION 3. Action. Chapter 8.09, establishing regulations to restrict the use/distribution of single-use beverage straws in the city, is hereby added to the San Luis Obispo Municipal Code as follows:

Chapter 8.09 – SINGLE USE STRAWS

8.09.010 - Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “Dine-in customer” means a customer that consumes a food or beverage order on the same premise it was ordered.
- B. “Single-use” means a product that is designed to be only used one time in its same form by the customer, food vendor or entity.
- C. “Take-out food orders” means prepared meals or other food or beverage items that a customer purchases at an establishment and are intended for consumption elsewhere.
- D. “Vendor” means any business providing food or beverages within the City of San Luis Obispo.

8.09.020 – Beverage Straws Upon Request

On or after March 1, 2018, any vendor 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.

8.09.030 – Exceptions

Take-out food orders are exempt from this ordinance.

8.09.040 Implementation and Enforcement

- A. In addition to any other remedy authorized by this code, any violation of the provisions of this chapter by any person or restaurant is subject to administrative fines as provided in Chapter 1.24 of this code.

SECTION 4. Severability. If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or any other provisions of the city's rules and regulations. It is the city's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 5. Effective Dates. A summary of this Ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The Tribune, a newspaper published and circulated in this City. This Ordinance shall go into effect on March 1, 2018. A copy of the full text of this Ordinance shall be on file in the Office of the City Clerk on and after the date following introduction and passage to print and shall be available to any member of the public.

INTRODUCED on the 24th day of October, 2017, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the 7th day of November, 2017, on the following vote:

AYES: Council Members Christianson, Gomez and Pease,
Vice Mayor Rivoire and Mayor Harmon
NOES: None
ABSENT: None



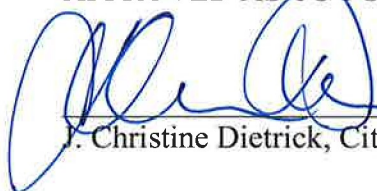
Mayor Heidi Harmon

ATTEST:



Carrie Gallagher, City Clerk

APPROVED AS TO FORM:



Christine Dietrick, City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, this 20th day of November, 2017.



Carrie Gallagher, City Clerk