

Cupertino DRAFT PROPOSED Single-Use Plastics Ordinance

REGULATION OF SINGLE-USE FOOD SERVICE WARE BY FOOD PROVIDERS		
10/6/2022		Mirrors AB1276, effective 6/1/2022. CMC effective date: 30 days from second reading
9.15.110	A	ACCESSORIES ONLY UPON CUSTOMER REQUEST
	A.1	Accessories and condiments only on request and unbundled for dine-in, take-out, and delivery apps
	A.2	Disallow self-serve stations
	A.2	Plastic straws may be retained and provided as an accommodation
	A.3	Encourage bulk condiment dispensers rather than individual packets
	A.4	Online ordering for pickup/delivery must provide option to affirmatively opt in to choosing each accessory piece individually
	A.5	Exceptions for instances of drive-through and food deliveries in which items like cup lids, lid plugs, hot sleeve cups may be offered to prevent spills or safely transport food
	A.6	For delivery orders, accessories allowed to prevent spills and deliver safely.
9/6/2023		1 year after accessories phase
9.15.110	B	USE OF NON-COMPLIANT FOODWARE PROHIBITED
	B.1	No sale or distribution of Prepared packaged by food providers (including City Facility Prepared Food Providers) in Cupertino using:
	B.1.a	Expanded Polystyene (EPS) foam
	B.1.b	Single-use plastics (even if accepted as recyclable)
	B.1.c	Compostables with PFAS Allow PFAS-free paper, wood, bamboo, or fiber-based compostable items
	B.1.d	Bio-plastics ("compostable plastics")
	9.15.120(G)	Prepackaged food from outside the City exempted
	9.15.120(I)	Allow aluminum containers and foil (as exemption)
	B.2	Director of Public Works (or designee) to maintain list of suitable products and/or provide reference to an approved list
	B.3	Exemption for food/beverages prepared and packaged outside of the City
9.15.110	C	REUSABLE FOOD SERVICE WARE FOR DINING ON PREMISES
	C.1	Dine-in requires reusables
	C.1	Allowable: disposable paper food wrappers, sleeves, and bags; foil wrappers; paper napkins; paper tray and plate liners; and straws if meet requirements.
	C.2	Condiments shall not be in single-service packets
	C.3	Definition of on-premises as belonging to food provider or shared
	C.4	New building permits trigger condition of approval requiring dishwashing capacity to allow reusables on-premises.
	C.4	New and renewed business licenses trigger condition of approval requiring dishwashing capacity to allow reusables on-premises.
	C.5	Dine-in still allows nonreusable containers for leftovers.
	C.6	Waiver/extension option for existing restaurants without dishwashing capacity

9.15.110	D	SALE OR DISTRIBUTION OF NON-COMPLIANT FOODWARE AND EPS COOLERS PROHIBITED
	D.1	Ban sale of prohibited items in B.1.a. (EPS) or B.1.d. (bio-plastics)
	D.2	Ban sale of expanded polystyrene ice chests
	D.3	Director may adopt or reference a list of compliant products
EXEMPTIONS		
9.15.120	A	Exemptions available for unique packaging hardship, unused inventory, significant economic hardship, or extra time needed to comply
	B	Unique packaging hardship
	C	Unused inventory
	D	Significant economic hardship
	E	Needs additional time
	F	Method of applying for exemption with time limit of 1 year
	G	Prepackaged food is exempt
	H	Food service ware that is entirely aluminum foil-based is exempt
	I	Emergencies are exempt

NEW SECTION 9.15.125 CONCERNING RECORDKEEPING AND INSPECTION		
9.15.125	A	All food providers must keep records of purchase of single-use foodware showing compliance
	B	Records to be made available for inspection by the City
	C	False or incomplete information is a violation

AMENDMENTS REGARDING CITATIONS AND FINES		
9.15.130	A, B, C, D	Wording cleanup to reflect changes in earlier sections

AMENDMENTS CONCERNING REGULATION OF SINGLE-USE CARRYOUT BAGS		
9.17.130	A	Capitalization of term
	B	Addition of reusable bags to those that require a minimum charge of ten cents by retail establishments. (Formerly, reusable bags were allowed to be provided at no charge, which is at odds with State law).
	C, D	Wording adjustment to add reusable bags
9.17.140	1	Removes the exemption for restaurants, meaning they may no longer use single-use plastic bags for transporting prepared food. No bag fee is required to be charged by restaurants for use of allowable recycled paper or reusable bags.
	2-6	Grammatical wording cleanup.