

## Attachment A

## Cupertino DRAFT PROPOSED Single-Use Plastics Ordinance

REGULATION OF SINGLE-USE FOOD SERVICE WARE BY FOOD PROVIDERS		
6/1/2022		<i>1.5 months after adoption because of AB1276</i>
9.15.110	<b>A</b>	<b>ACCESSORIES ONLY UPON CUSTOMER REQUEST</b>
	<b>A.1</b>	Accessories and condiments only on request and unbundled for dine-in, take-out, and delivery apps
	<b>A.2</b>	Disallow self-serve stations?
	<b>A.3</b>	Plastic straws may be retained and provided as an accommodation
	<b>A.4</b>	Encourage bulk condiment dispensers rather than individual packets
	<b>A.5</b>	Online ordering for pickup/delivery must provide option to affirmatively opt in to choosing each accessory piece individually
	<b>A.6</b>	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
	<b>A.7</b>	For delivery orders, accessories allowed to prevent spills and deliver safely.
6/1/2023		<b>1 year after accessories</b>
9.15.110	<b>B</b>	<b>USE OF NON-COMPLIANT FOODWARE PROHIBITED</b>
	<b>B.1</b>	No sale or distribution of Prepared or Raw Food packaged by food providers (including City Facility Prepared Food Providers) in Cupertino using:
	<b>B.1.a</b>	Expanded Polystyene foam
	<b>B.1.b</b>	Single-use plastics (even if accepted as recyclable)
	<b>B.1.c</b>	Compostables with PFAS
	<b>B.1.d</b>	Bio-plastics ("compostable plastics")
	<b>9.15.120(H)</b>	Allow aluminum containers and foil (foil allowed as exemption)
		Allow paper, wood, bamboo, or fiber-based compostable items. Allow aluminum containers and aluminum foil.
	<b>B.2</b>	Director of Public Works (or designee) to maintain list of suitable products and/or provide reference to an approved list
	<b>B.3</b>	Exemption for food/beverages prepared and packaged outside of the City
9.15.110	<b>C</b>	<b>REUSABLE FOOD SERVICE WARE FOR DINING ON PREMISES</b>
	<b>C.1</b>	Dine-in requires Reusables
	<b>C.1</b>	Allowable: disposable paper food wrappers, sleeves, and bags; foil wrappers; paper napkins; paper tray and plate liners; and straws if meet requirements.
	<b>C.2</b>	Condiments shall not be in single-service packets
	<b>C.3</b>	Definition of on-premises as belonging to food provider or shared
	<b>C.4</b>	New building permits trigger condition of approval requiring dishwashing capacity to allow reusables on-premises.
	<b>C.4</b>	New business licenses trigger condition of approval requiring dishwashing capacity to allow reusables on-premises.
	<b>C.4</b>	Renewed business licenses trigger condition of approval requiring dishwashing capacity to allow reusables on-premises beginning.
	<b>C.5</b>	Dine-in still allows nonreusable containers for leftovers.
	<b>C.6</b>	Waiver/extension option for existing restaurants without dishwashing capacity

<b>9.15.110</b>	<b>D</b>	<b>NONREUSABLE BEVERAGE CUP AND FOOD CONTAINER CHARGES</b>
	<b>D.1</b>	Nonreusable cup fee of \$0.25
	<b>D.2</b>	Nonreusable food container fee of \$0.25
	<b>D.3</b>	Charges must be identified on the receipt and shown on menus, online, etc.
	<b>D.4</b>	Charge is kept 100% by the business
	<b>D.5</b>	Economic impact review (arranged by City)
	<b>D.6</b>	Fees in A/B may not be waived except for econ hardship exemptions
	<b>D.7</b>	Customers may provide their own cups and containers
	<b>D.8</b>	Food providers may refuse use of BYO reusables if unsuitable or unsanitary.
	<b>D.9</b>	Up to one year full or partial waiver if show undue hardship or practical difficulty.
<b>9.15.110</b>	<b>E</b>	<b>SALE OR DISTRIBUTION OF NON-COMPLIANT FOODWARE PROHIBITED</b>
	<b>E.1</b>	Ban sale of Nonreusable food service ware that is not compostable or recyclable
	<b>E.1</b>	Includes sale of EPS foodware
	<b>E.1</b>	Includes sale of all Nonreusable plastic or bio-plastic accessories
	<b>E.2</b>	Director may adopt or reference a list of compliant products
<b>6/1/2024</b>		<b>2 years after accessories</b>
<b>9.15.110</b>	<b>F</b>	<b>REUSABLE BEVERAGE CUPS AND CONTAINERS AT EVENTS</b>
	<b>F.1</b>	25% reusable beverage containers at Large events (>100 people)
	<b>F.1</b>	Phase to 50% by 6/1/2026.
	<b>F.2</b>	25% reusable food containers at Large events (>100 people) by 6/1/2026.
	<b>F.2</b>	Phase to 50% by 6/1/2028.
	<b>F.3</b>	Event producers may provide, lend, sell reusable beverage cups to attendees. Permit app to show how the requirement will be met.
	<b>F.4</b>	Use, handling, sanitation must comply with all laws.
	<b>F.5</b>	Certain full or partial waivers available if can't access reusable cups for the event or undue hardship or practical difficulty
<b>NEW SECTION 9.15.115 CONCERNING REGULATION OF THE LOCAL SALE OF PACKING MATERIALS AND OTHER</b>		
<b>6/1/2023</b>		<b>1 year after accessories, same time as other sale bans</b>
<b>9.15.115</b>	<b>1</b>	Ban on sale or offer of packing materials, including shipping boxes and packing peanuts; coolers, ice chests, or similar containers; pool or beach toys; or dock floats, mooring buoys, or anchor or navigation markers; made, in whole or in part, from Polystyrene Foam that is not wholly encapsulated or encased within a more durable material
	<b>2</b>	Distribution of packing materials includes using EPS to hold, cushion, or protect items, but only where packing takes place in the City.
	<b>3</b>	Exemption for receiving shipments from outside the city, reuse of packing materials, donation of packing materials, use of donated packing materials.

Exemptions		
9.15.120	A	Exemptions available for unique packaging hardship, unused inventory, or significant economic hardship
	B	Unique packaging hardship definition
	C	Unused inventory definition
	D	Significant economic hardship definition
	E	Needs additional time.
	F	Method of applying for exemption with time limit of 1 year
	G	Prepackaged food is exempt
	H	Coolers and ice chests made with expanded polystyrene wholly encapsulated or encased within a more durable material intended for reuse are exempt
	I	Food service ware that is entirely aluminum foil is exempt
	J	Emergencies are exempt