

## Attachment B

## Cupertino DRAFT PROPOSED Single-Use Plastics Ordinance

REGULATION OF SINGLE-USE FOOD SERVICE WARE BY FOOD PROVIDERS		
<b>6/1/2022</b>		<b>Enforcement date per AB1276</b>
<b>9.15.110</b>	<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.
<b>6/1/2023</b>		<b>1 year after accessories phase</b>
<b>9.15.110</b>	<b>B</b>	<b>USE OF NON-COMPLIANT FOODWARE PROHIBITED</b>
	<b>B.1</b>	No sale or distribution of Prepared packaged by food providers (including City Facility Prepared Food Providers) in Cupertino using:
	<b>B.1.a</b>	Expanded Polystyene (EPS) foam
	<b>B.1.b</b>	Single-use plastics (even if accepted as recyclable)
	<b>B.1.c</b>	Compostables with PFAS Allow PFAS-free paper, wood, bamboo, or fiber-based compostable items
	<b>B.1.d</b>	Bio-plastics ("compostable plastics")
	<b>9.15.120(G)</b>	Prepackaged food from outside the City exempted
	<b>9.15.120(I)</b>	Allow aluminum containers and foil (as exemption)
	<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
<b>9.15.110</b>	<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 and renewed business licenses trigger condition of approval requiring dishwashing capacity to allow reusables on-premises.
	<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>SALE OR DISTRIBUTION OF NON-COMPLIANT FOODWARE PROHIBITED</b>
	<b>D.1</b>	Ban sale of compostable plastic food service ware

	<b>D.1</b>	Includes ban on sale of EPS foodware
	<b>D.2</b>	Director may adopt or reference a list of compliant products

<b>EXEMPTIONS</b>		
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<b>9.15.120</b>	<b>A</b>	Exemptions available for unique packaging hardship, unused inventory, significant economic hardship, or extra time needed to comply
	<b>B</b>	Unique packaging hardship
	<b>C</b>	Unused inventory
	<b>D</b>	Significant economic hardship
	<b>E</b>	Needs additional time
	<b>F</b>	Method of applying for exemption with time limit of 1 year
	<b>G</b>	Prepackaged food is exempt
	<b>H</b>	Food service ware that is entirely aluminum foil-based is exempt
	<b>I</b>	Emergencies are exempt

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