

ORDINANCE NO. 186028

An ordinance adding Article 3 to Chapter XIX of the Los Angeles Municipal Code to regulate the use of disposable plastic drinking straws.

WHEREAS, up to 500 million plastic straws are used daily in the United States and too often these straws become litter;

WHEREAS, wind or run-off into storm drains transport plastic litter into Los Angeles waterways and, ultimately, the ocean;

WHEREAS, marine animals that ingest these small plastic pieces can be poisoned by the toxins, starve or suffocate;

WHEREAS, at current rates of plastic straw distribution, the United Nations estimates that by weight there will be more plastic than fish in the world's oceans by 2050; and

WHEREAS, the City of Los Angeles seeks to address these environmental concerns by reducing the amount of plastic waste entering our oceans.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 3 entitled "Disposable Plastic Drinking Straws" is added to Chapter XIX of the Los Angeles Municipal Code to read as follows:

ARTICLE 3

DISPOSABLE PLASTIC DRINKING STRAWS

SEC. 196.01. DEFINITIONS.

The following definitions apply to this article:

A. **City** means the City of Los Angeles.

B. **Customer** means an individual, the individual's agent or caregiver.

C. **Delivery Customer** means a Customer who purchases Prepared Food or Beverages from a Food or Beverage Facility and has the Prepared Food or Beverages delivered to him or her by the Food or Beverage Facility or by a third party delivery service.

D. **Designated Administrative Agency (DAA)** means the Department of Public Works, Bureau of Sanitation.

E. **Dine-in Customer** means a Customer who purchases Prepared Food or Beverages at a Food or Beverage Facility and consumes it on the premises of the Food or Beverage Facility.

F. **Disposable Plastic Drinking Straw** means a hollow tube for sucking a liquid or semi-liquid substance that constitutes Prepared Food or Beverages, which is designed for a single use, and made from fossil fuel based polymers including, but not limited to, high-density polyethylene, low-density polyethylene, polyethylene terephthalate, polystyrene, polypropylene, polyvinyl chloride, polycarbonate that can be molded or blown into shape while soft and then set into a rigid or slightly elastic form, and any straw made from or labeled "bioplastic/compostable/poly-lactic acid (PLA)."

G. **Drive-through Customer** means a Customer who purchases Prepared Food or Beverages at a Food or Beverage Facility and is provided the Prepared Food and/or Beverages without leaving his or her vehicle.

H. **Food or Beverage Facility** means a facility located in the City of Los Angeles that sells or otherwise provides Prepared Food or Beverages for consumption on or off its premises, and includes, but is not limited to, a shop, sales outlet, restaurant, bar, pub, coffee shop, coffee stand, juice bar, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, mobile food truck, roadside stand, kiosks, carts, or a Vendor (as defined in Section 42.13 in the Los Angeles Municipal Code or any successor provision) or any organization, group or individual that regularly provides Prepared Food or Beverages as part of its service.

I. **Large Food or Beverage Facility** means a Food or Beverage Facility with more than 26 employees. If the Food or Beverage Facility is part of a Statewide or National Food or Beverage Vendor, the employee count shall include all employees of that chain.

J. **Operator** means the Person in control of, or having the responsibility for, the operation of a Food or Beverage Facility, including, but not limited to, the owner of the Food or Beverage Facility.

K. **Person** means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, servant, office or employee of any of them.

L. **Prepared Food or Beverage** means foods or beverages that are prepared by cooking, chopping, slicing, mixing, freezing, squeezing, brewing, boiling, steeping, pouring, or other processing and that require no further preparation by the customer before consumption. "Prepared Food or Beverage" does not include raw

uncooked whole fruits or vegetables which are not chopped, squeezed, or mixed, or raw uncooked meat products.

M. **Statewide or National Food or Beverage Vendor** means any Food or Beverage Facility located in Los Angeles that is part of a chain of franchised or corporate-owned Food or Beverage Facilities located in Los Angeles and in more than one other jurisdiction outside of Los Angeles.

N. **Take-out Customer** means a Customer who purchases Prepared Food or Beverages at a Food or Beverage Facility and consumes it off the premises of the Food or Beverage Facility.

SEC. 196.02. REGULATION OF DISTRIBUTION OF DISPOSABLE PLASTIC STRAWS IN THE CITY OF LOS ANGELES.

A. Beginning April 22, 2019, a Large Food or Beverage Facility shall display on their premises advisory notices informing Customers about the Disposable Plastic Drinking Straws Ordinance and the environmental impact of Disposable Plastic Drinking Straws. The advisory notices shall comply with guidelines promulgated by the DAA. A Large Food or Beverage Facility shall be prohibited from having self-serve/self-service Disposable Plastic Drinking Straw dispensers, and from providing or offering a Disposable Plastic Drinking Straw to a Dine-in Customer or Take-out Customer, except upon Customer request. A Large Food or Beverage Facility shall be permitted to ask a Drive-through Customer or Delivery Customer if he or she wants a Disposable Plastic Drinking Straw, but shall be prohibited from providing a Disposable Plastic Drinking Straw to a Drive-through Customer and Delivery Customer, except upon Customer request. A request is not limited to a verbal request, it may be any reasonable affirmation of the Customer's intent to procure a Disposable Plastic Drinking Straw.

B. Beginning October 1, 2019, all other Food or Beverage Facilities shall comply with the requirements of Section 196.02.A.

SEC. 196.03. EXEMPTIONS.

A. Licensed Health Facilities, as defined in Section 1250 of the California Health and Safety Code, shall be exempt from the requirements of this article.

SEC. 196.04. ENFORCEMENT.

A. The DAA is authorized to promulgate rules and regulations for the implementation and enforcement of this article, consistent with the provisions herein. The DAA is authorized to take actions reasonable and necessary to enforce this article, including, but not limited to, receiving and responding to complaints, investigating violations, issuing fines and entering the premises of any Food or Beverage Facility during business hours.

B. Enforcement of the requirements of this article shall commence on October 1, 2019, or six months after the effective date of this ordinance, whichever is later.

C. Written notice of a violation of this article shall be served, by First Class mail, on the Operator of the Food or Beverage Facility.

D. A Food or Beverage Facility shall be subject to the following:

1. A written notice for a first and second violation.
2. An administrative fine of \$25 for a third violation and each subsequent violation. The administrative fine of \$25 shall be imposed for each day the Food or Beverage Facility is in violation, but shall not exceed \$300 per calendar year.

E. An administrative fine shall be due and payable to the City within 30 calendar days from the date the written notice of violation is served. Failure to timely pay a fine shall result in the assessment of a late fee, assessed daily at a rate of 7 percent per annum of the outstanding amount of the fine and late fees, if any. The City may collect any unpaid fine, including the late fee, by means of a civil action in accordance with applicable law. All fines collected pursuant to this article shall be deposited into the Citywide Recycling Trust Fund (CRTF) of the Department of Public Works to assist the department with its costs of implementing and enforcing the requirements of this article.

F. An Operator who receives a written notice of violation pursuant to this article may request an administrative review of the accuracy of the violation determination by filing a signed, written notice of appeal with the Director of the Bureau of Sanitation, or his/her designee, no later than 30 days from the date the notice of violation was served. The appeal must include all facts supporting the appeal and any supporting documentation, including copies of all photos, statements, and other documents that the appellant wishes to be considered in connection with the appeal. The Director of the Bureau of Sanitation, or his/her designee, may sustain, rescind, or modify the notice of violation and/or administrative fine, as applicable. The Director of the Bureau of Sanitation, or his/her designee, may waive any portion of the administrative fine in a manner consistent with its decision. The accrual of fines and fees shall be stayed until the decision of the Director of the Bureau of Sanitation, or his/her designee, is final. The decision of the Director of the Bureau of Sanitation, or his/her designee, is final and effective on the date when the decision is served, by First Class mail, on the Operator.

SEC. 196.05. SEVERABILITY.

If any provision of this article is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining

provisions of this article which can be implemented without the invalid provisions, and to this end, the provisions of this article are declared to be severable. The City Council hereby declares that it would have adopted this article and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

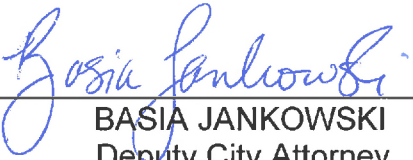
SEC. 196.06 NO CONFLICT WITH FEDERAL OR STATE LAW.

Nothing in this article is intended to create any requirement, power or duty that is in conflict with any federal or state law.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
BASIA JANKOWSKI
Deputy City Attorney

Date 2-12-19

File No. _____


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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR





Ordinance Passed 03/01/2019

Approved 03/11/2019

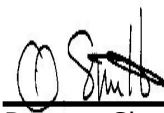
Ordinance Effective Date: 04/21/2019
Council File No.: 18-0053

DECLARATION OF POSTING ORDINANCE

I, **Ottavia Smith** state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. **186028** - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **03/01/2019**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, I conspicuously posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records beginning on **03/12/2019** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.



Deputy Clerk

Date: 03/12/2019

Ordinance Effective Date: 04/21/2019

Council File No.: 18-0053