

ARTICLE 32.06 ENVIRONMENTALLY ACCEPTABLE FOOD PACKAGING

32.06.01 Definitions.

Unless otherwise expressly stated, whenever used in this Article the following terms shall have the meanings set forth below:

- (a) “City Facility” means any building, park, structure, vehicle or any other property owned and operated by the City of Davis, its agents, agencies, and departments.
- (b) “City Contractor” means any Person or entity that has a contract with the City of Davis for work or improvement to be performed, for a franchise, concession, for grant monies, goods and services, or supplies to be donated or to be purchased at the expense of the City.
- (c) “Compostable” means any material that will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner that can be composted using the City’s available composting collection program. This includes, but is not limited to products that meet the then applicable American Society for Testing and Materials (ASTM) standards for compostability.
- (d) “Disposable Food Service Ware” means products that are designed for one-time use in the restaurant and food service industry for serving or transporting prepared ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays, cartons and hinged or lidded containers.
- (e) “Food Provider” means any vendor located or providing food within the City of Davis which provides Prepared Food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, catering truck or vehicle, or any other Person who provides Prepared Food; and any organization, group or individual which regularly provides food as a part of its services.
- (f) “Person” means an individual, business, event promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.
- (g) “Polystyrene Foam” means and includes expanded polystyrene that is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). To include but not limited to polystyrene foam plate, bleached paperboard plate with low density polyethylene coating and bleached paperboard plate with polystyrene coating.
- (h) “Prepared Food” means food or beverage prepared for consumption on the Food Provider’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, poultry, fish or eggs unless provided for consumption without further food preparation.
- (i) “Recyclable” means any material that can be sorted, cleansed, and reconstituted using the City’s available recycling collection program for the purpose of using the altered form in the manufacture of a new product.
- (j) “Reusable” means materials that will be used more than once in its same form by the customer, food vendor or other reuse program. Reusable food service ware includes: food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor by the customer

that is provided take-out containers. Reusable also includes durable containers, packages or trays used on-premises, returnable containers brought back to the food vendor and those intended to be taken home by the consumer for reuse. Includes all containers, bowls, plates, trays, cartons, cups, and other items that are designed for prolonged use, including but not limited to durable plastic, ceramic, glass, porcelain, and metal food service ware.

- (k) "Special Event" means any special event requiring a City of Davis Special Event Permit, which is held within the City of Davis and at which food and/or drinks are being provided for public consumption.

32.06.02 Prohibited Disposable Food Service Ware.

On and after July 1, 2017:

- (a) Food Providers shall not provide Prepared Food in any Disposable Food Service Ware that contains or utilizes Polystyrene Foam.
- (b) All Disposable Food Service Ware used by Food Providers shall be Reusable and/or Recyclable or Compostable.
- (c) No Person renting a City Facility shall use Disposable Food Service Ware that contains or utilizes Polystyrene Foam at that City Facility.
- (d) Promoters and participants of Special Events are prohibited from providing Prepared Food in any Disposable Food Service Ware that contains or utilizes Polystyrene Foam.
- (e) City contractors shall not use Disposable Food Service Ware that contains or utilizes Polystyrene Foam in the performance of City of Davis contracts.
- (f) The City encourages all businesses located within or outside the City limits to avoid using all Polystyrene Foam packaging.

32.06.03 Penalties

- (a) Any person violating any section of this article is guilty of an infraction. The first violation shall be subject to a fine not to exceed one hundred dollars. The second violation within a one year period shall be subject to a fine not to exceed two hundred dollars, and not to exceed five hundred dollars for the third and subsequent violations occurring within a one-year period.
- (b) The remedies provided herein shall be in addition to all other remedies authorized by law and the enumeration of certain remedies in this article shall not preclude the application of any other remedies not herein enumerated.
- (c) An administrative citation including associated fines may be issued for any violation of this article pursuant to Davis Municipal Code Chapter 1, Article 1.02.