

Chapter 5.80 ENVIRONMENTAL REGULATIONS.

5.80.010 Purpose.

Manhattan Beach has long-been an environmental leader in addressing pollution issues. Balloons and plastic pollution, including single-use plastics and polystyrene, have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health. These regulations reduce single-use waste; reduce greenhouse gas emissions; reduce the distribution of disposable single-use plastic; reduce polystyrene use and litter in the City; keep plastic waste from landfills; and reduce balloon litter threats to natural ecosystems and ocean wildlife, in order to protect the health of the Manhattan Beach community and promote environmentally sustainable practices in the City.

5.80.020 Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases are defined as follows:

"Affected retail establishment" means any retail establishment located within or doing business within the geographical limits of the City.

"Balloon" means a flexible bag, including, but not limited to, those made from rubber, latex, foil, metal, polychloropene, Mylar, or nylon fabric, that is designed to be inflated with air or gas lighter than air such as helium, hydrogen, nitrous oxide, or oxygen, causing it to float.

"Beverage provider" means any business, organization, entity, group, or individual that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption. Beverage provider also includes any organization, group or individual that regularly provides beverages to its members or the general public as a part of its activities or services.

"Carryout bag" means any bag provided to a customer at the point of sale for the purpose of carrying away goods. Carryout bag does not include a bag provided by a pharmacy to a customer purchasing a prescription medicine; a nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items; a precheckout bag; or a nonhandled bag that is designed to be placed over articles of clothing on a hanger, such as a garment bag used in dry cleaning or laundry services. "City contractor" means any person that enters into an agreement with the City to furnish products or services to or for the City.

"City facility" means any building, structure, property, park, open space, or vehicle, owned or leased by the City, its agents, agencies, or departments.

"City-sponsored event" means any event, activity or meeting organized or sponsored, in whole or in part, by the City or any department of the City.

"Compostable" means all the materials in the product or package that will break down, or otherwise become part of usable compost (soil-conditioning material, mulch), such as paper and certified compostable plastics that meet the American Society for Testing and Materials (ASTM) standard specifications for compostable plastics D6400 or biodegradable plastics D6868 for compostability.

"Customer" means any person obtaining goods from an affected retail establishment, vendor or non-profit vendor.

"Disposable food service ware" or "disposables" means single-use, disposable products used for serving, consuming or transporting prepared food and, raw food, or beverages, including, but not limited to, plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, straws, lids, utensils, stirrers, lid plugs (splash sticks), or any container in or on which prepared food and, raw food, or beverages are placed or packaged for consumption.

"Egg carton" means a carton for raw eggs sold to consumers from a refrigerator case or similar appliance.

"Foil balloon" includes but is not limited to balloons that are made of "metalized" nylon film, and include balloons often referred to as made of Mylar, which is a brand name for a special type of polyester film. Foil or metallic balloons are made of plastic (nylon) sheets coated with polyethylene and metallic materials that are sealed together with heat.

"Food provider" means any person or establishment that provides or sells prepared food or raw food or beverages within the City to the general public to be consumed on the premises or for take-away consumption. Food provider includes but is not limited to: (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where prepared food or raw food or beverages is available for sale on the premises or for take-away consumption; and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food provider also includes any organization, group or individual that regularly provides prepared food or raw food or beverages to its members or the general public as a part of its activities or services.

"Grocery store" means any dealer in staple foodstuffs, meats, produce and dairy products and usual household supplies.

"Latex balloon" is a balloon made with the sap from a rubber tree. During the manufacturing process many chemicals are added to raw rubber including pigments, oils, curing agents and accelerators.

"Meat and fish tray" means a tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"Non-profit vendor" means a recognized tax exempt organization which provides goods as a part of its services.

"Person" means any person, business, corporation, or event organizer or promoter; public, non-profit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

"Pharmacy" means a retail use where the profession of pharmacy by a pharmacist licensed by the State of California in accordance with the Business and Professions Code is practiced and where prescription medications are offered for sale.

"Plastic beverage straw" means a tube made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources, used to transfer a beverage from its container to the mouth of the drinker. Plastic beverage straw includes compostable, petroleum-based or a biologically-based polymer straw, but does not include

straws that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

"Plastic carryout bag" or "plastic bag" means any bag made from plastic (including compostable and biodegradable plastic), excluding reusable bags, provided by an affected retail establishment, vendor or non-profit vendor to a customer at the point of sale for the purpose of carrying away goods.

"Plastic stirrer" means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid, and intended for only one-time use. Plastic stirrer includes compostable, petroleum-based, or a biologically-based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

"Plastic utensil" means any plastic utensil, including, but not limited to, forks, spoons, sporks, knives, cutlery, and disposable flatware intended for only one-time use. Plastic utensils includes compostable, petroleum-based, or biologically-based polymer forms of utensils, but does not include forms of utensils that are made from non-plastic materials, including, but not limited to, paper, sugar cane, wood, or bamboo.

"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including, but not limited to, rigid polystyrene or expanded polystyrene, processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a resin code.

"Polystyrene cooler" means any cooler or ice chest made of polystyrene foam, where such foam is not fully encased in another material.

"Polystyrene food service ware" means disposable food service ware that contains or utilizes polystyrene.

"Polystyrene packing material" means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

"Post-consumer recycled content" means any material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-consumer recycled content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

"Precheckout bag" means a bag provided to a customer before the customer reaches the point of sale, that is designed to protect a purchased item from damaging or contaminating other purchased items in a carryout bag, or to contain an unwrapped food item, such as, but not limited to, loose produce, meat or fish, nuts, grains, candy, and baked goods. "Precheckout bag" does not include a bag used to prepackage items prior to their arrival in a store.

"Prepared food" means any food or beverage that is: (1) ready to consume without any further food preparation, alteration or repackaging; and (2) prepared, provided, sold or served by a food provider using any cooking, packaging or food preparation technique. Prepared food may be eaten either on or off the food provider's premises.

"Produce tray" means any tray or carton for vegetable, fruit, or eggs sold to consumers from a refrigerator case or similar retail appliance.

"Raw food" means any meat, fish, poultry, vegetable, fruit, or egg.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using Manhattan Beach's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Recyclable paper bag" means a paper bag that is one hundred percent (100%) recyclable overall and displays the words "reusable" and "recyclable" in a highly visible manner on the outside of the bag.

"Recycled paper bag" or "recycled paper carryout bag" means a paper bag that meets the following requirements for post-consumer recycled content: A recycled paper bag must contain a minimum of 40 percent (40%) post-consumer recycled content until December 31, 2027; On or after January 1, 2028, a recycled paper bag must contain a minimum of 50 percent (50%) post-consumer recycled content.

"Resin code" means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

"Retail establishment" means any commercial business facility that sells goods directly to the ultimate consumer including, but not limited to, grocery stores, pharmacies, liquor stores, "mini-marts," and retail stores and vendors selling clothing, food and personal items.

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either: (1) made of cloth or other machine washable fabric; or (2) made of other durable material suitable for reuse.

"Vendor" means any store, shop, restaurant, sales outlet, mobile food vendor, pushcart, or other commercial establishment located within or doing business within the City of Manhattan Beach, which provides perishable or nonperishable goods.

5.80.030 Plastic carryout bags prohibited.

- A. Affected retail establishments, vendors and non-profit vendors shall provide only recycled paper carryout bags to customers at the point of sale. Plastic carryout bags are prohibited.
- B. Affected retail establishments and vendors shall not require a customer to use, purchase, or accept a recycled paper bag as a condition of sale of any product.
- C. Nothing in this section shall be read to preclude affected retail establishments, restaurants, vendors and non-profit vendors from making recyclable paper bags available to customers.
- D. Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through education and through credits or rebates for customers that use reusable bags at the point of sale for the purpose of carrying away goods.
- E. No person shall distribute plastic carryout bags at any City facility or any event held on City property.

-
- F. This chapter shall apply only to carryout bags provided at the point of sale for the purpose of carrying away goods. This chapter shall not apply to bags provided by a pharmacy to a customer purchasing a prescription medicine; nonhandled bags used to protect a purchased item from damaging or contaminating other purchased items; precheckout bags; or nonhandled bags that are designed to be placed over articles of clothing on a hanger, such as a garment bag used in dry cleaning or laundry services.