

ORDINANCE NO. 19-0009

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO
EXPAND THE ENVIRONMENTAL REGULATIONS IN
CHAPTER 5.80 TO REGULATE POLYSTYRENE MEAT TRAYS

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY ORDAINS AS
FOLLOWS:

SECTION 1. CEQA Finding. This Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency for the protection of the environment because it will strengthen the City's regulations regarding the distribution and sale of single-use plastic (including polystyrene) products that harm the environment. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

SECTION 2. The City Council hereby amends Section 5.80.020 (Definitions) to add a new definition of "meat and fish tray" and amend the existing definition of "raw food" to read as follows:

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

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

SECTION 3. The City Council hereby amends the title of Section 5.80.040 and adds Subsection D thereto to include meat tray regulations as follows:

"5.80.040 - Prohibition of use, distribution, and sale of polystyrene food service ware, coolers, packing materials, egg cartons, and produce and meat trays."

"D. No person may sell, offer for sale, or otherwise distribute for compensation within the City meat and fish trays, produce trays or egg cartons made, in whole or in part, from polystyrene, either as separate items or as part of the sale of meat, fish, poultry, vegetables, fruit, or eggs sold to consumers."

SECTION 4. The City Council hereby amends subsection a of Section 5.80.070 A to provide that raw meat trays are not exempt from the provisions of Chapter 5.80, to read as follows:

- “A. The following are exempt from the provisions of this Chapter:
- a. Food prepared or packaged outside of the City, provided such food is not altered, packaged or repackaged within the City limits. This exemption does not apply to raw produce, meat, or eggs.”

SECTION 5. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency, including re-lettering the subsections in Section 5.80.040 after new Subsection D.

SECTION 6. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 7. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

ADOPTED _____, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

STEVEN A. NAPOLITANO
Mayor

LIZA TAMURA
City Clerk

APPROVED AS TO FORM

QUINN M. BARROW
City Attorney