

J. Amendment of Chapter 50 Hazardous Materials – General Provisions is amended as follows:

(1) Section 5001.1.2 is added to read as follows:

(a) **Section 5001.1.2 Research & Development Laboratory.** The design, installation, and operation of Research and Development Laboratory systems including reaction setups and pilot plants are exempt from the design and installation requirements for equipment provided that the Laboratory is constructed and managed in accordance with nationally recognized standards including but not limited to:

1. Is under the supervision of a technically competent individual approved by the fire code official.
2. Adheres to prudent or good laboratory practices; and
3. Uses volumes of chemicals that are usually associated with Research and Development operations.

(2) Section 5001.5.1 item number ten (10) is added to read as follows:

(a) **Section 5001.5.1 Hazardous Material Management Plan (HMMP).** Where required by the fire code official, an application for permit shall include an HMMP and aerial pre-plan. The HMMP shall include, an aerial pre-plan of the facility to include, but not be limited by the following:

10. Fire Department related safety equipment
 - a. Fire alarm control panel (FACP)
 - b. Sprinkler riser
 - c. Fire department connection (FDC)
 - d. Knox Box location
 - e. Gas valve shutoff
 - f. Electrical main shutoff
 - g. Water shutoff
 - h. Elevator equipment room

(3) Section 5003.9.1 is amended by adding subsection 5003.9.1.2 to read as follows:

(a) **5003.9.1.2 Documentation.** Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

K. Amendment of Chapter 56 Explosives & Fireworks is amended as follows:

promoted.

Exceptions:

1. Fireworks may be temporarily stored only if they are aerial or theatrical piece fireworks stored in conjunction with an approved and permitted aerial or set display.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

- (b) **Section 5601.2.1 Prohibited and Limited Acts.** The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 3301.8.1 and 3301.8.1.1.
- (c) **Section 5601.3 Rocketry.** The storage, handling and use of model and high-power rockets shall comply with the requirements of the California Code of Regulations, Title 19, Chapter 6, Article 17 and, when applicable, NFPA 1122, NFPA 1125, and NFPA 1127.
- (d) **Section 5601.3.1 Ammonium nitrate.** The storage and handling of ammonium nitrate shall comply with the requirements of Chapter 63 and NFPA 490.

Exception: The storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

- (e) **Section 5601.4 Residential uses.** No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 5601.

- (f) **Section 5601.5 Sale and retail display.** The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials is prohibited.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

- (2) Section 5608 is amended by adding Sections 5608.2 and 5608.3 to read as follows:

- (a) **Section 5608.2 Permit required.** A permit is required to conduct an aerial display in accordance with California Code of Regulations, Title 19, Chapter 6. (See Chapter 1, Section 105.6.52.)

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

- (b) **Section 5608.3 Financial responsibility.** Before a permit is issued pursuant to Section 5608.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

(2) Section 5706.2.4.4 is amended to read:

(a) **Section 5706.2.4.4 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

(3) Section 5704.2.13.1.3 is amended to read as follows:

(a) **Section 5704.2.13.1.3. Out of service for one (1) year.** Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5702.14 or as required by the Fire Code Official or designee.

M. Amendment of Chapter 58 Flammable Gases & Flammable Cryogenic Fluids is amended as follows:

(1) Section 5806.2 is amended to read as follows:

(a) **Section 5806.2 Limitation.** The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with section 5806.3 or 5806.4

N. Amendment of Chapter 61 Liquefied Petroleum Gases is amended to read as follows:

(1) Section 6103.2.1.7. Section 6103.2.1.7 is amended in its entirety to read:

(a) **Section 6103.2.1.7 Use for food preparation.** Individual portable containers used, stored, or handled inside of buildings used for assembly or business for the purposes of cooking, display, or similar use shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the Fire Chief or said Fire Chief's authorized representative, but shall not exceed 15 total pounds per NFPA 58.

(2) Section 6104.2 is amended to read as follows:

(a) **6104.2 Maximum capacity within established limits.** The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

(3) Section 6104.3 Section 6104.3 is amended by adding after the last sentence:

(a) **Section 6104.3 Special Hazards.** LP gas shall not be stored or used inside of any

(a) **Section B105.2, exception 1**, is amended to read as follows:

Exception 1: A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

(2) Appendix C. Fire Hydrant Locations and Distribution.

(a) **Table C105.1 footnote f and g** are added to read as follows:

f. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.

g. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

(3) Appendix D. Fire Apparatus Access Roads

(a) **Section D102.1** is amended to read as follows:

1. D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other approved *all-weather driving surface* capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: *Driveways* serving one or two single-family *dwellings* may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

(b) **Section D103.1** is deleted in its entirety.

(c) **Section D103.2** is deleted in its entirety and replaced by the following, to read as follows:

1. D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 45,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

(d) **Section D103.2.1** is added to read as follows:

1. D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

(e) **Section D103.3** is deleted in its entirety and replaced by the following, to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

(a) All violations of this chapter are fire hazards and public nuisances and shall be abated.

(b) General Abatement.

(1) When a fire hazard and nuisance as generally described in Section 8.16.010 through 8.16.050 above; as described in Section 8.16.070 and 8.16.090 below; or as in Section 109 of the California Fire Code exists, it shall be the duty of the Fire Chief or designee to notify in writing the owner or occupant of such premises to abolish and abate such nuisance and, if necessary, remove said matter, provided, that such notification shall not be required in a situation which, in the Fire Chief or designee judgment, constitutes an emergency requiring immediate abatement of such nuisance. In such an emergency situation, the Fire Chief or designee may order the owner or occupant, orally or in writing to abate the nuisance immediately or may proceed to cause the nuisance to be abated without any such notice if, in the Fire Chief or designee judgment, the situation warrants such action in the interest of the public health, safety or welfare.

(2) The required notice shall provide a specified time in which such nuisance must be abated or removed.

(3) Before complying with the requirements of the required notice, the owner may request a hearing before the Fire Chief or designee at a time and place fixed by the Fire Chief or designee. The hearing request must be made in writing and must be made within the time limit specified in the required notice.

(4) The Fire Chief or designee shall:

(a) Conduct the hearing;

(b) Re-determine whether or not a nuisance as described in subsection (a) hereof exists and whether or not the owner or occupant shall abate the nuisance; and

(c) Specify the time within which the work shall be completed.

(5) In the event the nuisance is not abated within the time specified in the original required notice and/or the time specified at the hearing, the City may abate such a nuisance.

(6) The person whose duty it was to abate or abolish a nuisance as ordered by the Fire Chief or designee pursuant to this chapter, in addition to incurring penalties as provided in these regulations, shall become indebted to the City of Richmond for the damages; costs and charges incurred by the City by reason of the existence of said nuisance or removal of said matter. This cost may become a lien upon the property upon which the nuisance existed.

(c) Those properties which are deemed public nuisances because of the presence of weeds (as *weeds* are defined in Chapter 9.50 of this Municipal Code), dry grass, stubble, brush, rubbish, litter or other combustible or flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous shall be subject to the abatement procedures set forth in Sections 9.22.100, 9.22.110 and 9.22.120 of this Municipal Code.

(d) Firebreaks. In lieu of ordering the abatement of fire hazards as provided in this Section, the Fire Chief or designee may order the preparation of firebreaks around parcels of property when combustible weeds, crops, or brush are present. In determining the proper width for firebreaks, the Fire Chief or designee shall consider the height of the growth, weather conditions, topography, and the accessibility to the property of fire protection equipment.

8.16.070 **Smoke and carbon monoxide detectors.**

(a) Requirements.

- (1) Every dwelling unit in an apartment house, motel, hotel, or lodging house shall be provided with smoke and carbon monoxide (when fossil fuel appliances are located inside or duct system enters inside the dwelling unit) detectors.
- (2) Every dwelling unit in a single family dwelling, duplex, or residential occupancy not listed in subsection (1) above shall be provided with smoke and carbon monoxide detectors. Each smoke and carbon monoxide detector provided or installed pursuant to this section shall conform to the requirements of the 2013 California Building Code. Each smoke and carbon monoxide detector shall also be maintained as set forth herein.

(b) Fixtures. Every smoke and carbon monoxide detector required under this section shall be deemed to be a fixture for purposes of transfer of title.

(c) Maintenance.

- (1) Every smoke and carbon monoxide detector required under this Section shall be maintained in operable condition.
- (2) Nothing in this section shall preclude a rental or lease agreement from providing that a tenant has the responsibility for repair or maintenance of the smoke and carbon monoxide detector(s). However, such provision notwithstanding, the owner shall be responsible for ensuring compliance with this section.

(d) Holder of Certificate of Occupancy. Where the holder of a Certificate of occupancy, as provided in Chapter 6.02.40 of the Richmond Municipal Code and Section 15.04.210 of this Municipal Code, is some person other than the owner of the real property, such person shall be deemed to be an owner for purposes of this section.

(e) Notice. Every property owner or owner's authorized agent offering to rent, lease or let residential property shall give notice of the requirements of this Section to the tenant prior to occupancy. The giving of such notice shall not relieve the property owner from compliance with the requirements of this Section.

(f) Liability. Nothing in the provisions of this Section shall be construed to require the City, its officers, employees or representatives to conduct any inspection of the smoke detectors herein required nor shall any actual inspections made imply a duty to inspect other detectors. Furthermore, this section shall not be construed to hold the City or any officer, employee or representative of the City responsible for any damage to persons or property by reason of making or not making inspection or by reason of any failure to make an inspection or re-inspection.

(g) Penalty. Any person who violates any provision of this section shall be guilty of a misdemeanor.

8.16.080 **Very High Fire Hazard Severity Zones**

(a) Very High Fire Hazard Severity Zone Regulations

HAZARDOUS shall be those shown on that certain map entitled *EXHIBIT A - very high fire Hazard Severity Zones* and dated September 1995 which has been prepared by, and is on file in the office of, the Fire Chief. Exhibit A also constitutes the official designation of the hazardous fire areas within the City of Richmond.

(a) All buildings shall be designed and sited so that the roof and other areas may be kept free of leaves, needles and other dead vegetative growth.

(b) All new buildings shall have a Class B roofing that complies with Standard 32-7 of the Uniform Building Code, as adopted in the California building Standards Code. Every existing building, when 50 percent or more of the total roof area is re-roofed within any one year period, shall have a fire retardant roof covering that is at least Class B as defined in the California Building Code as adopted and amended by the State Building Standards Commission. The installer of the roof covering shall provide certification of the roof covering classification to the building owner and, when requested, to the City Building Official.

(c) Wood shingles or wood shakes shall not be used for exterior wall covering.

(d) All buildings shall have the underside of balconies, unenclosed roofs and floors, and other similar horizontal surfaces protected by at least one-hour fire-resistive construction as required by the Fire Chief. Combustible eaves shall be protected as approved by the Fire Chief.

(e) Unprotected vertical or horizontal wood supports for stilt type or cantilevered buildings shall be of not less than five and one-half inches in the least dimension.

(f) All openings into the interior of a building for ventilation purposes shall be protected by non-corrosive metallic screening having a mesh no larger than one-quarter inch.

(g) Access openings to under-floor areas shall be protected by either non-corrosive metallic screening having a mesh no larger than one-quarter inch or by a three-quarter inch solid wood door or equivalent.

(h) When difficulty of access or topography occurs, or structures do not meet fire flow requirements, or the fire department response time is six minutes or more, the Fire Chief may require other fire mitigation measures as for all occupancies.

(b) Vegetation management standards in Very High Fire Hazard Severity Zones

Any person who owns, leases, controls, operates, or maintains any property in a very high fire hazard severity zone shall maintain such property in conformance with the vegetation maintenance standards established by the City Council by Resolution 192-95, or said resolution's successor. Copies of Resolution 192-95 and any successor resolution shall be maintained by and be available in the City Clerk's Office.

(c) Violations and penalties

Any violation of this section shall constitute an infraction punishable by the policies, enforcement procedures and fines established by RMC Chapter 2.62 Administrative Citations.

(d) Public nuisance

Any violation of this section shall constitute a public nuisance which may be abated, and abatement costs shall be recovered in the manner provided in RMC Sections 9.22.100, 9.22.110, and 9.22.120.

(e) Firebreaks

subsection (d) above shall also apply to the preparation of firebreaks.

(f) **Alternate Procedures**

The procedures provided for by this Section are an alternative to any other procedure adopted by the City Council for the abatement of public nuisances, or any procedure which may be authorized by the laws of the State of California.

8.16.090 False Fire Alarms.

1. Purpose

The purpose of this section is to promote the responsible use of fire alarm systems, to set forth additional standards to improve the reliability of these systems, and to establish procedures for assessing fee penalties for excessive false fire alarm responses in violation of this ordinance.

2. Findings

The City Council finds and determines that fire alarm systems not properly installed, maintained and/or operated create a nuisance to the peace and safety of the community. Such alarm systems cause excessive and unnecessary use of fire services in responding to assumed emergencies which results in a significant expenditure and increased costs to the public.

3. Definitions

Alarm business is defined as any business which is engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system in or on any building, place or premises.

Alarm user is defined as any person using an alarm system at such person's residence or place of business.

Audible alarm system is defined as an alarm system which when activated generates sound perceptible from the exterior of the building structure or facility in which the alarm system is located. Audible alarm systems may or may not be monitored by a central alarm system.

Central Station is defined as a supervising station that is listed for central station service.

Central Station Service is defined as the use of a system or a group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station having competent and experienced operators who, upon receipt of a signal, take appropriate action as required. Central station service is controlled and operated by a person, firm, or corporation whose business is the furnishing of such contracted services or whose properties are the protected premises.

Central Station Fire Alarm System is defined as a system or group of systems in which the operations of circuits and devices are transmitted automatically to, recorded in, maintained by, and supervised from a listed central station having competent and experienced servers and operators who, upon receipt of a signal, take such action as required by NFPA 72.

Certificate of Completion is defined as a document that acknowledges the features of installation, operation (performance), service, and equipment with representation by the property owner, system installer, system supplier, service organization, and the authority having jurisdiction.

Certification is defined as a systematic program using randomly selected follow-up inspections of the certified systems installed under the UL Fire Alarm Certificate Program, which allows the listing organization (Underwriters Laboratories) to verify that a fire alarm system complies with

7. False Fire Alarm Fees

1. The initial false alarm in the six-month period from January 1st through June 30th and the initial false alarm in the six-month period from July 1st through December 31st: **No Fee.**
2. After receiving notice of initial false alarm (no fee), the subsequent first false alarm in the six-month period from January 1st through June 30th and first false alarm in the six-month period from July 1st through December 31st : **\$250 dollars**
3. After receiving notice of first false alarm (\$250 fee), the second false alarm in the six-month period from January 1st through June 30th and the second false alarm in the six-month period from July 1st through December 21st: **\$500 dollars**
4. After receiving notice of second false alarm (\$500 fee), the third or more false alarm in the six-month period from January 1st through June 30th and the third or more false alarm in the six-month period from July 1st through December 21st: **\$1,000 dollars**

8. Nuisance Fire Alarm Systems

- a. An alarm system may be declared a nuisance alarm system by the Fire Chief under any one of the following:
 - (1) More than five (5) false alarms not exempt under section 9 were generated and not canceled in a false alarm period (six months).
- b. The Fire Chief or designee shall notify the alarm user, in the same manner as for the imposition of false alarm fees, of the determination that the alarm system is a nuisance alarm system.
- c. Nuisance fire alarm systems shall be referred to Underwriters Laboratory Inc. (UL) or representing alarm business for a re-qualification audit or be retroactively placed in a UL Fire Alarm Certification program as required by the Fire Chief or designee.
- d. The determination that an alarm system is a nuisance may be revoked by the Fire Chief upon finding proof that the cause of the excessive false alarm or audible disturbance has been remedied.

9. Exempt From False Alarm Fees

False alarms reported to the Richmond Fire Department shall not be counted for the imposition of false alarm fees under the following conditions:

- a. The Fire Chief has granted an exemption, based upon verifiable proof that the alarm user is taking all reasonable measures to eliminate the cause of false alarms. A request for exemption must be made in writing and will be determined on a case-by-case-basis.
- b. False alarms reported to the Richmond Fire Department, but subsequently canceled prior to department units starting actual response. If at the discretion of the department, a response is continued after a valid cancellation is received prior to commencement of a response, the response will not be counted as a false alarm for the purpose of imposing a false alarm fee.

Administrative Citations, Section 2.02 of the Richmond Municipal Code by submitting a written request to the Fire Chief within 14 days of notification. The appeal must be in writing and set forth the basis of the appeal.

- b. Collection of fees. Collection of fees shall be as described in 2.62.120 or 9.22.110, including a lien against the real property on which the false alarm occurred. In the event of the failure of any person to pay the fees assessed pursuant to the provisions of this section, the city of Richmond may institute an action in any court of competent jurisdiction to collect any charges, together with interest, which may be due and payable and all administrative costs of collection in the same manner as any other debt owing to the city may be collected.

SECTION II. SEVERABILITY CLAUSE

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION III. EFFECTIVE DATE

This Ordinance becomes effective thirty days after its final passage and adoption.

AYES: Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES

CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 24-13 N.S.** finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 3, 2013.

Department of Safety and Inspections

Sustainable “To Go” Food Packaging Project – Municipal Ordinance Comparison

Nationally

Many cities across the U.S. have addressed the issue through outright bans on the use of polystyrene – primarily in coastal states. Others have addressed via ordinances that specifically require “food ware” items to be compostable, recyclable or reusable.

Regionally

Minneapolis – “Green to-go” ENVAP ordinance

Saint Louis Park – “Zero Waste Packaging” ordinance

Saint Paul – Chapter 236

Bans and Exemption Examples

Richmond, CA – Prohibits retail establishments from providing any product composed primarily of polystyrene foam. Exempts food prepared or packaged outside the City, food ware items comprised entirely of aluminum, in emergency situations, and where no suitable alternative.

San Jose, CA – Prohibits food vendors (both local and national) from providing food in polystyrene foam containers. Allows application process for exemption where financial hardship or unique packaging requirements exist.

Santa Monica, CA - Prohibits food providers from dispensing containers made of expanded polystyrene. Allows renewable, one-year exemptions where the food vendor can demonstrate “undue hardship” e.g. economic or no alternative.

Minneapolis, MN – Prohibits food establishments from selling or conveying any food or beverage intended for immediate consumption in packaging which is not environmentally acceptable. Exempts packaging used at hospitals and nursing homes. Exemptions considered where no available alternative, economic consequences or competitive effects exist.

Saint Louis Park, MN – Prohibits food establishments from selling or conveying any food or beverage intended for immediate consumption in packaging which is not zero waste packaging. Exemptions allowed where no available alternative exists.

Enforcement

Most ordinances call for written warning for 1st offense followed by escalating monetary fines for repeated occurrence.

CHAPTER 204. - ENVIRONMENTAL PRESERVATION: ENVIRONMENTALLY ACCEPTABLE PACKAGING

204.10. - Legislative purpose.

The city council finds that discarded packaging from foods and beverages prepared for immediate consumption constitutes a significant and growing portion of the waste in Minneapolis' waste stream. Regulation of food and beverage packaging, therefore, is a necessary part of any effort to encourage a recyclable and compostable waste stream, thereby reducing the disposal of solid waste and the economic and environmental costs of waste management for the citizens of Minneapolis and others working or doing business in Minneapolis.

The council further finds that plastic packaging is rapidly replacing other packaging material, and that some plastic packaging used for foods and beverages is nonreusable, nonreturnable, nonrecyclable and noncompostable.

The council also finds that the two (2) main processes used to dispose of discarded nonreusable, nonreturnable, nonrecyclable and noncompostable plastic food and beverage packaging are land filling and incineration, both of which should be minimized for environmental reasons.

The council therefore finds that the minimization of nonreusable, nonreturnable, nonrecyclable and noncompostable food and beverage packaging originating at retail food establishments and at events providing food and/or beverages within the city of Minneapolis is necessary and desirable in order to minimize the city's waste stream, so as to reduce the volume of landfilled waste, to minimize toxic by-products of incineration, and to make our city and neighboring communities more environmentally sound places to live. (89-Or-060, § 1, 3-31-89; 96-Or-059, § 1, 6-28-96; 2014-Or-023, § 1, 5-23-14)

204.20. - Definitions.

As used in this chapter, the following terms and phrases shall have the meanings as defined in this section:

- (a) *Packaging* shall mean and include food or beverage cans, bottles or containers used to package food and beverage products for distribution including glasses, cups, plates, serving trays, and to-go containers; but shall specifically exclude foods pre-packaged by the manufacturer, producer or distributor; plastic knives, forks and spoons sold or intended for use as utensils; and plastic films less than ten (10) mils in thickness.
- (b) *Environmentally acceptable packaging* shall mean and include any of the following:
 - (1) *Reusable and returnable packaging*: Food or beverage containers or packages, such as, but not limited to, water bottles, growlers, milk containers and bulk product packaging that are capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage;
 - (2) *Recyclable packaging*: Packaging that is separable from solid waste by the generator or during collection for the purpose of recycling including glass bottles, aluminum cans and plastic food and beverage packaging that have robust recycling markets. For the purposes of this chapter, environmentally preferable plastic packaging includes the following plastic types:
 - a. Polyethylene Terephthalate (#1 PET or PETE);
 - b. High Density Polyethylene (#2 HDPE); and

c. Polypropylene (#5 PP).

(3) *Compostable packaging*: Packaging that is separable from solid waste by the generator or during collection for the purpose of composting. Compostable packaging must be made of paper, certified compostable plastics that meet ASTM D6400 or ASTM D6868 for compostability or other cellulose-based packaging capable of being decomposed through composting or anaerobic digestion.

(c) *Food establishment*, as used in this chapter, means a "food establishment" as defined in section 186.50 of the Minneapolis Code of Ordinances. (89-Or-060, § 1, 3-31-89; 90-Or-067, § 1, 2-23-90; 96-Or-059, § 2, 6-28-96; 2013-Or-145, § 1, 12-6-13; 2014-Or-023, § 2, 5-23-14)

204.30. - Prohibitions and duties.

(a) No person owning, operating or conducting a food establishment or any person or organization providing free food or beverage products within the city of Minneapolis pursuant to a permit or license, or in a manner which would require a permit or license, shall do or allow to be done any of the following within the city: Sell or convey at retail or possess with the intent to sell or convey at retail any food or beverage intended for immediate consumption contained, at any time at or before the time or point of sale, in packaging which is not environmentally acceptable packaging. The presence on the premises of the food establishment of packaging which is not environmentally acceptable packaging shall constitute a rebuttable presumption of intent to sell or convey at retail, or to provide to retail customers packaging which is not environmentally acceptable packaging; provided, however, that this subparagraph shall not apply to manufacturers, brokers or warehouse operators, who conduct or transact no retail food or beverage business.

(b) Packaging used to contain food or beverages intended for immediate consumption shall be considered environmentally acceptable packaging only when the food establishment provides consumers with an opportunity to recycle and/or appropriately manage compostable plastics and utilizes a qualified recycling and/or organics management system.

(1) A qualified recycling system shall have the following elements:

- a. A clear and verifiable process for separating recyclable packaging from discarded solid waste; and
- b. Collection and delivery of recyclable packaging to a recycling facility for processing in the same or at least similar manner as recyclable packaging collected in a municipally approved recycling program.

(2) A qualified organics management system shall have the following elements:

- a. A clear and verifiable process for separating organic materials from discarded solid waste; and
- b. Collection and delivery of organic materials to a food to people, food to animals, organics composting or anaerobic digestion facility in the same manner or at least similar manner as organic materials collected in a municipally approved organics management program. (89-Or-060, § 1, 3-31-89; 96-Or-059, § 3, 6-28-96; 2014-Or-023, § 3, 5-23-14)

204.40. - Enforcement.

The environmental health division of the health department shall have the duty and the authority to enforce the provisions of this chapter. The license official shall also have authority to enforce

the provisions of this chapter. (89-Or-060, § 1, 3-31-89; 96-Or-059, § 4, 6-28-96; 2013-Or-145, § 2, 12-6-13; 2014-Or-023, § 4, 5-23-14)

204.50. - Rules and regulations.

The environmental health division may, upon notice and hearing, promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter and protect the health of the public, including the development of exemptions under section 204.70 for packaging for which there is no reasonable commercially available alternative. In promulgating such rules, the division shall consider the legislative purposes provided in section 204.10 of this chapter and shall consult with the operators of affected food establishments. (89-Or-060, § 1, 3-31-89; 96-Or-059, § 5, 6-28-96; 2013-Or-145, § 3, 12-6-13; 2014-Or-023, § 5, 5-23-14)

204.60. - Reserved.

Editor's note— Ord.\No. 2014-Or-023, § 6, adopted May 23, 2014, repealed § 204.60, which pertained to advisory committee on environmentally acceptable packaging. See also the Code Comparative Table.

204.70. - Exemptions.

Notwithstanding any other provision to the contrary, this chapter shall not apply to:

- (a) Any packaging used at hospitals or nursing homes;
- (b) Any packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the environmental health division by rule promulgated pursuant to section 204.50. In determining whether there are commercially available alternatives, the environmental health division shall consider the following: (1) the availability of environmentally acceptable packaging for affected products; (2) the economic consequences to manufacturers, suppliers, retailers and other vendors of requiring environmentally acceptable packaging when available; and (3) the competitive effects on manufacturers, suppliers, retailers and other vendors involved in the sale of product brands or labels available only in packaging that is not environmentally acceptable packaging. Every rule creating an exemption under this paragraph shall be reviewed annually by the environmental health division to determine whether current conditions continue to warrant the exemption. (89-Or-060, § 1, 3-31-89; 90-Or-067, § 2, 2-23-90; 95-Or-044, § 1, 3-31-95; 96-Or-059, § 7, 6-28-96; 2013-Or-145, § 5, 12-6-13)

204.80. - Penalties.

Each violation of any provision of this chapter or of lawful regulations promulgated under section 204.50 hereof shall be punishable as an administrative offense pursuant to Chapter 2 of this Code. Each day on which a violation occurs constitutes a separate violation. (89-Or-060, § 1, 3-31-89; 2014-Or-023, § 7, 5-23-14)

204.90. - License adverse action.

A violation of section 204.30 shall be sufficient grounds for the revocation, suspension, denial or nonrenewal of any license for the food establishment at which the violation occurs. (89-Or-060, § 1, 3-31-89)

204.100. - Severability.

If any part or provision of this chapter or the application thereof to any person, entity, or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons, entities, or circumstances. (89-Or-060, § 1, 3-31-89)

204.110. - Effective date.

This ordinance shall take effect April 22, 2015. (89-Or-060, § 1, 3-31-89; 90-Or-067, § 3, 2-23-90; 2014-Or-023, § 8, 5-23-14)

MINNESOTA
WASTE WISE
FOUNDATION

Ramsey/Washington County Success Story: French Meadow Bakery & Café – Saint Paul

French Meadow Bakery has always been a champion of sustainability through its focus on locally sourced, organic ingredients. To broaden their commitment to environmentally responsible food, French Meadow's executive chef, Samantha Jensen, contacted the Minnesota Waste Wise Foundation in 2015 wanting to recycle more and keep food waste out of the trash. While French Meadow had recycling in place, much of their trash was comprised of food waste, paper towels, and other materials that could be composted.

Following an on-site assessment, Waste Wise recommended that French Meadow move forward with an organics recycling program to compost their food waste and other organic material. Waste Wise guided the café through the BizRecycling grant to purchase organics bins, compostable bags, and labels to make bins easy to identify. Waste Wise also found opportunities to improve the existing recycling program by adding more blue bins and labels. The café was connected with a hauler to set up recycling services for both organics and cooking oil.

With the addition of a new waste stream, the staff at French Meadow received training from Waste Wise on what materials should go in each bin. Their dedication to the



program has paid off. The café is now composting about 7,200 lbs. per year, adding another facet of sustainability to their business. "The grant was essential in helping us set up a composting program that is great for the environment and our business," says Samantha. "Composting and recycling are key pieces that fit in with our values."



Highlights

What: Setting up an organics recycling program and improving existing recycling.

Why: To reduce waste and extend commitment to environmentally responsibly food.

How: Applied for BizRecycling grant to purchase bins, signage, and supplies for organics. Set up organics recycling service.

Results: 600 lbs. of organics recycled per month, or approximately 7,200 lbs. per year.

Ramsey/Washington County Success Story: St. Paul Meat Shop

The St. Paul Meat Shop was referred to the Minnesota Waste Wise Foundation through their hauler prior to the opening of their new shop in 2015. Following a site visit from Waste Wise to identify opportunities for reducing waste, the shop decided to pursue single stream recycling and organics recycling programs. When asked why they chose to set up these programs, manager Nick Mangigian said, "A major part of it is the fact that the restaurant industry creates so much waste that is compostable. For us, it felt like a slam dunk to be able to recycle and compost." With a commitment to maximize their waste diversion, St. Paul Meat Shop worked with Waste Wise to determine their needs and apply for a BizRecycling grant. Using this grant funding, the shop purchased compostable bags for collecting food scraps, paper towels and napkins, butcher paper, cheese wax and rinds, and other organic material that can be composted. One of the biggest challenges was educating customers on which bin to use. To mitigate confusion, the shop purchased color-coded bins and placed signage on all bins to indicate the types of material that should go in each.

With a dedicated staff and all the necessary supplies in place, the St. Paul Meat Shop has recycled an impressive amount of material. In the first three months, the shop's hauler reported that they collected 4720 lbs. of organic material for composting, which amounts to 18,880 lbs. of organics annually. As for single stream recycling, the shop is recycling about 10,400 lbs. of material annually. "It's truly surprising how little trash you generate when you're diligent about sorting out compostable and recyclable items," says Nick. Just step outside and you can see that St. Paul Meat Shop does indeed have a small amount of trash, demonstrated by a 96-gallon trash cart sitting next to two 2-yard containers for recycling and organics.



Highlights

What: Set up recycling and organics recycling programs for new meat shop.

Why: To reduce waste and maximize recycling efforts.

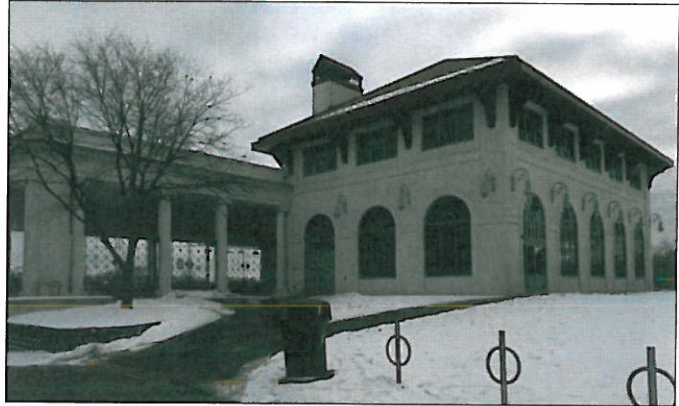
How: Used BizRecycling grant to place organics and recycling bins throughout shop.

Results: 18,880 lbs. of organics composted annually; 10,400 lbs. of materials recycled annually.

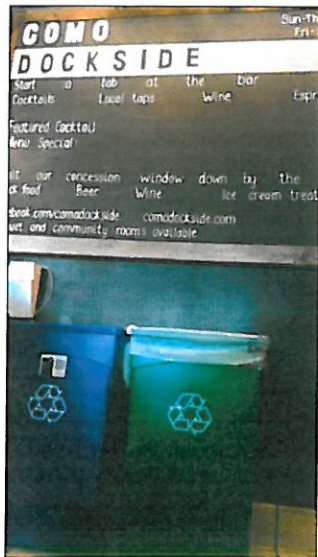


Ramsey/Washington County Success Story: Como Dockside

The Minnesota Waste Wise Foundation contacted Como Dockside prior to the opening of their restaurant in Como Park to offer assistance in setting up waste and recycling programs. Following an initial site visit with Waste Wise, manager Doug Tuttle decided the restaurant would maximize waste diversion by adding both recycling and organics recycling programs. This was a no-brainer decision for Doug, who said, "We are in a park, so we want to be good stewards. It's something we believe in."



With an outdoor patio that holds weddings, concerts, and other events of up to 1,000 people during warm months, Como Dockside had a huge opportunity for customers and the public to participate in their recycling efforts. Waste Wise worked with the restaurant to take inventory of the bins that would be needed both in-house and outdoors. From there, appropriate color-coded bins were selected for each area. To help with the start-up costs of the new bins, Como Dockside



applied for the BizRecycling grant. Grant funds also covered the initial cost of compostable bags used to collect organic waste in the kitchen, bathrooms, and outdoor patio. After being connected to local haulers to pick up recycling and organics waste, the final step was to ensure restaurant staff was confident in using the programs.

Waste Wise provided a training to explain what should go in each bin. Lucky for Doug and Waste Wise, getting staff on board was a breeze. "The staff picked it up quickly. It's a part of their generation now, so they get it."

The success of Como Dockside's recycling efforts during their first year of operations speaks for itself. Accounting for seasonal fluctuation, the restaurant is composting an estimated 31,500 lbs. annually while recycling 19,968 lbs. of cardboard and 32,637 lbs. of mixed recyclables. "The whole program was easy to use and Waste Wise was great to work with," says Doug. "The community likes it and we've gotten positive feedback."

Highlights

What: Establishing organics recycling and single stream recycling programs for a new restaurant.

Why: To demonstrate a commitment to waste diversion and keep disposal costs low.

How: Received assistance from Waste Wise in contacting service providers, applying for a BizRecycling grant, and training staff.

Results: 31,500 lbs. of organics composted annually; 19,968 lbs. of cardboard recycled annually; 32,637 lbs. of mixed recyclables recycled annually.

City of Saint Paul - Sustainable "To Go" Food Packaging Initiative Work Group

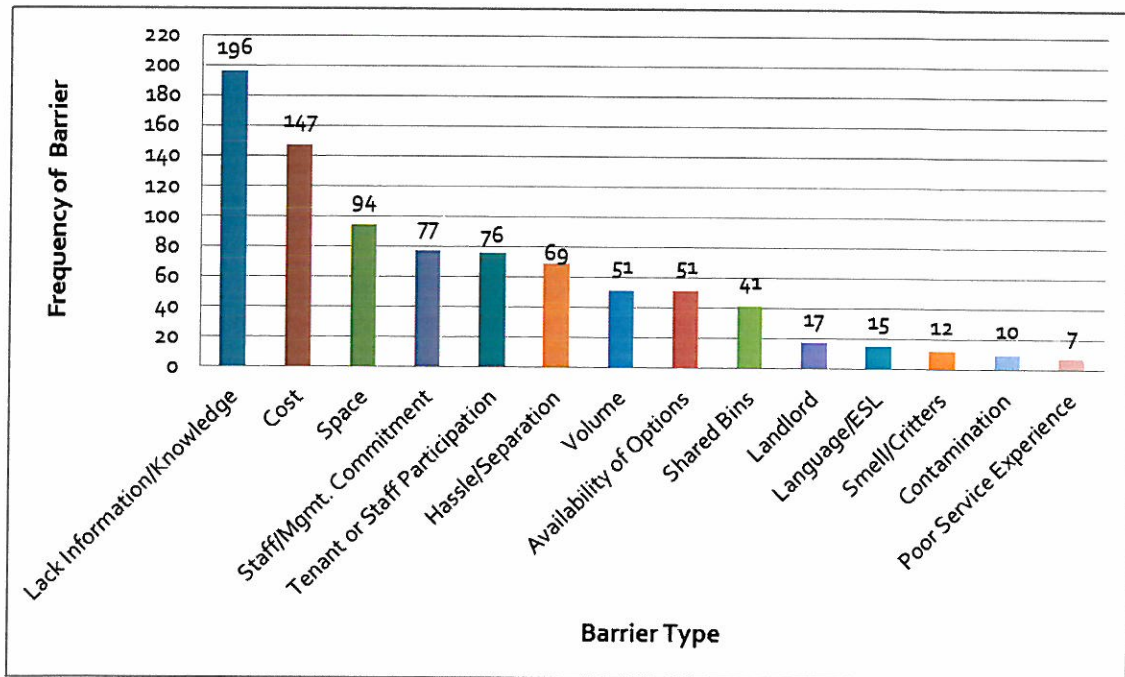
Waste Wise -- Success Stories & Challenges

Serve Ware Implementation Trends

- Install dishwasher and switch over to reusable serve ware
- Set up in house organics diversion program
- Purchase and use compostable serve ware for in house use
- If business uses compostable serve ware in house, they're much more likely to purchase compostable to-go packaging.
- Most business with locations in the City of Minneapolis are not using or are in the process of switching to compostable to-go packaging.
- In the past couple of years, the message of the health risks associated with using Styrofoam type packaging seems to be resonating more with businesses.

Real and Perceived Barriers to Recycling Implementation

Documented by Waste Wise in 2015



Ramsey/Washington County Success Story: Children's Discovery Academy – Vadnais Heights

When staff from the Children's Discovery Academy (CDA) in Vadnais Heights attended a local presentation by Ramsey County, they learned about the BizRecycling program – including a grant available to local businesses to encourage waste reduction and recycling. After signing up for a site visit, the CDA had a MN Waste Wise consultant tour their facility to help identify opportunities to enhance their current recycling program and evaluate the waste generated throughout the building. At the time, the CDA was using 15,500 disposable paper products a month to feed 134 students each day.

Since the frequent use of disposable dishes and silverware was generating a lot of trash, the Children's Discovery Academy used Waste Wise's assistance to apply for a BizRecycling grant to cover the cost of purchasing and installing a new dishwasher and buying reusable dishes. When asked about the new dishwasher, Director Andrea Vorderbruggen said, "Things are great! Having a dishwasher saves so much time. We are able to not use paper and disposable products like we used to and have seen drastic changes, mainly much less garbage, as a result." Not only was Children's Discovery Academy able to purchase a new dishwasher and dishes with the grant money, but the CDA now enjoys a whopping annual savings of \$6300! "We have seen great cost savings, which would have been much more difficult without the grant. Our cook has adjusted well and the transition has been very smooth," Andrea said. The \$6300 saved annually is a result of no longer needing to continually purchase disposables each month.

Vorderbruggen highlighted many benefits of the new dishwasher, saying, "It's great that we have been able to stay away from paper, both for the environment, and also, the parents love it! It's something that we are very proud of. The dishwasher is also helpful to sanitize toys, so we have been seeing a lot



Highlights

What: Eliminated disposables by purchasing a dishwasher and reusable dishes.

Why: To reduce the 15,500 disposables being used every month – which were causing recurring purchasing costs, constant trips to the store, and a large volume of trash.

How: With Waste Wise's guidance, used a BizRecycling grant to purchase a dishwasher and reusable dishes.

Results: Saving \$6300 annually by eliminating the cost of purchasing disposables.

of added benefits besides waste reduction and cost savings." The Children's Discovery Academy is a great example of how reusable service ware can be used to significantly reduce waste generation. In some cases, making the switch to reusables can eliminate the need for disposables altogether!

Eureka Recycling Comments on St. Paul Sustainable To-Go *Nov. 21, 2016*

Eureka Recycling strongly supports the city's efforts to protect the environment with this initiative by ensuring disposable items distributed to customers (consumed on site or to-go) are reduced, reused, recycled or composted.

Eureka's Products Co-Operative Purchasing: The co-operative purchasing program (open to individual consumers, organizations and businesses) has been operating since 1998. We coordinate the cooperative purchasing of high quality, 100% ASTM 6400 or 6868 certified compostable products (as well as 100% post-consumer recycled printing paper.) This allows consumers to gain access to products that are vetted for quality and environmental benefit at a lower cost because of the bulk purchasing. The only overhead we take on this program is the cost of operating it, while we do enjoy the bulk discount for our own recycled printing papers and compostable product needs. We are happy to work with the city to offer products that will support their packaging ordinance goals.

- Compostable products help consumers get food waste to composting and (when bio-based) reduce our need for fossil fuel based production, furthering the upstream and downstream environmental benefits. All compostable products need to meet ASTM standards (ASTM 6868 or 6400), not use language like "biodegradable" or "compostable" which can be misleading for consumers and the use of these terms is not regulated.
- We suggest that the ordinance include compostable utensils, as there are now several viable options in the marketplace for compostable options and the commonly polystyrene versions are not recyclable.

Poly coated ASTM certified compostable cups, plates etc. are being widely used at events and in other venues in our community— the inclusion of a poly coated cups that cannot be composted but are supposed to be included in recycling creates confusion for the consumer. The amount of education to try to clear up this confusion would be costly and be a brand-by-brand proposition. The result of the cross contamination would negate environmental goals that the city is trying to achieve and could result in plastic in the compost or a degradation of the recycled paper.

- The technical and economic viability of recycling polycoated papers has not been conclusively determined.
 - Our paper markets have historically stipulated restrictions on the inclusion of coated papers in the recycling program based on the impact it has on the quality of the recycled paper. Mechanisms used to filter out these energy used to collect and transport those items.
 - Recycling programs now more than ever cannot rely on a single market for any commodity including paper. Eureka Recycling requires at least two economically viable and stable markets for the material. This includes issues such as length of stable market, economic and environmental impacts of downgrading paper grades to accept the item, along with others.

Also important to note in the Ordinance, Black plastic, Poly Styrene and PLA should not be accepted as an alternative since they do not have any long term, economically viable markets. These items end up as a residual at the MRF or in bales at end markets, adding transportation, collection and processing costs to the City, which are not sustainable, while sustainable alternatives are available.

Education Opportunities: We will strongly support all education efforts to increase the success of the Ordinance's goals. Packaging fairs and outreach events are critical prior to roll out to assist retailers, restaurants and others. Our experience at Zero Waste Events and in commercial composting may be useful to the city to support training to help businesses understand how key decisions can lower disposal costs helping to offsetting cost of sustainable products and/or composting services, while meeting their unique business needs.

Encourage Reuse and Reduction: The current ordinance specifically encourages reuse we strongly support and encourage additional opportunities to prioritize reuse and reduction by finding creative ways to help businesses by financially supporting investments such as dishwashers, reusable plates, etc.