



FILED
MAY 28 2016
PURSUANT TO RCW Sec. 1-2.4

A BILL FOR AN ORDINANCE

RELATING TO DISPOSABLE FOOD CONTAINERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to prohibit certain types of disposable food containers.

SECTION 2. Section 41-27.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by adding new definitions of "Compostable," "Disposable food service container," and "Expanded polystyrene foam" to read as follows:

"Compostable" means all materials in the product will break down into usable compost in a safe and timely manner without leaving any toxic residue.

"Disposable food service container" means disposable products used in a restaurant or take-out food operation as packaging to serve or transport prepared, ready-to-consume food or beverages, including but not limited to plates, cups, bowls, trays, and hinged or lidded containers. This definition does not include single-use disposable straws or utensils.

"Expanded polystyrene foam" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing styrene."

SECTION 3. Section 41-27.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by amending the definitions of "Department" and "Polystyrene foam container" to read as follows:

"Department" means the department of [public works.] environmental services."

"Polystyrene foam container" means a container [which is manufactured with the use of or contains chlorofluorocarbons.] that is made of expanded polystyrene foam."

SECTION 4. Section 41-27.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 41-27.2 Ban on use of polystyrene foam containers.

- (a) Except if exempted under Section 41-27.3, [from January 1, 1990,] no food vendor shall serve prepared food in any polystyrene foam container [which is manufactured with the use of or contains chlorofluorocarbons. The department



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may require a food vendor, supplier or distributor to furnish a written statement from the manufacturer or supplier of the container used by the food vendor, indicating that use of the container is not prohibited]. All disposable food service containers must be made of compostable material.

- (b) Except if exempted under Section 41-27.3, [from January 1, 1990,] no food packager shall package meat, eggs, bakery products or other food in any polystyrene foam container which is manufactured with the use of or contains chlorofluorocarbons. The department may require the manufacturer or supplier of the container used by the food packager to furnish a written statement from the manufacturer of the packaging, indicating that use of the container is not prohibited."

SECTION 5. Section 41-27.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 41-27.3 Exemptions.

[The department may exempt a food vendor or food packager from compliance with the prohibition of Section 41-27.2 until December 31, 1990.] The department may grant an exemption from compliance with the prohibitions of Section 41-27.2 upon application and a showing by the applicant that compliance with the prohibition would cause undue hardship. "Undue hardship" shall be construed to include, but not be limited to:

- (a) Situations where there are no acceptable alternatives to packaging with polystyrene foam containers for reasons [which] that are unique to the applicant; or
- (b) Situations where compliance with the prohibition would deprive a person of a legally protected right [or where the product containing CFCs was purchased prior to the effective date of the ordinance codified in this article]."

SECTION 6. Section 41-27.5, Revised Ordinances of Honolulu 1990, as amended ("Enforcement"), is amended by amending subsection (c) to read as follows:

- "(c) Enforcement and administration of this article [shall be] are under the jurisdiction of the department [of public works]. Enforcement of this article [shall also be] is also under the jurisdiction of the Honolulu police department."

SECTION 7. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the



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Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 8. This ordinance takes effect on January 1, 2016.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

MAY 28 2014

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu

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