

(O-89-78)

ORDINANCE NUMBER O- 17183 (NEW SERIES)

ADOPTED ON NOV 21 1988

**AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 5,  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
DIVISION 2, SECTIONS 45.0201, 45.0202, 45.0203  
AND 45.0204, RELATING TO PROHIBITION OF  
PLASTIC FOOD CONTAINERS.**

WHEREAS, food products are increasingly being packaged and transported in containers utilizing petroleum-based polystyrene plastic; and

WHEREAS, many of these polystyrene plastic food product containers are manufactured using a fully-halogenated chlorofluorocarbon blowing agent; and

WHEREAS, fully-halogenated chloroflourocarbons have been linked to the degradation of the earth's ozone layer; and

WHEREAS, there are substitutes currently available for these products manufactured using other suitable blowing agents which do not contribute to ozone depletion; and

WHEREAS, in order to protect the environment and the health of the citizens of the City of San Diego from the dangers posed by increased exposure to ultraviolet radiation caused by the depletion of the ozone layer; and

WHEREAS, the Council of The City of San Diego, on behalf of said City, seeks to prohibit the sale, manufacture or distribution on or after January 1, 1989 of any food product packaging or container made of or with polystyrene plastic manufacture using a fully-halogenated chlorofluorocarbon blowing

agent as a matter affecting the public health and safety of the citizens of the City; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

**Section 1. That Chapter IV, Article 5, of the San Diego Municipal Code be and the same is hereby amended by adding Division 2, Sections 45.0201, 45.0202, 45.0203 and 45.0204, to read as follows:**

**SEC. 45.0201 DEFINITIONS**

In this Division the following definitions shall apply:

"Polystyrene Plastic" means a thermoplastic petrochemical material utilizing a styrene monomer and a blowing agent compound which is used to produce molded expanded or extruded expanded polystyrene plastic foam.

"Polystyrene Food Packaging" means a thermoplastic petrochemical material utilizing a styrene monomer and blowing agents used for packaging and containing food and drink materials, including, but not limited to, cups, bowls, plates, hinge carryout and sandwich containers, egg cartons, and stock food containers.

**SEC. 45.0202 PROHIBITIONS AS TO CERTAIN POLYSTYRENE**

On or after January 1, 1989, it shall be unlawful to manufacture, sell or distribute to any

person in this City any polystyrene food packaging product made of or with polystyrene plastic using a fully-halogenated chlorofluorcarbon (CFC-12 dichlorodifluoroethane), except with the authorization of the City Manager.

**SEC. 45.0203 EXEMPTIONS**

(a) The City Manager may exempt an item or type of polystyrene packaging from the requirements of this Division, upon a showing that the item or type has no acceptable non-CFC processed equivalent.

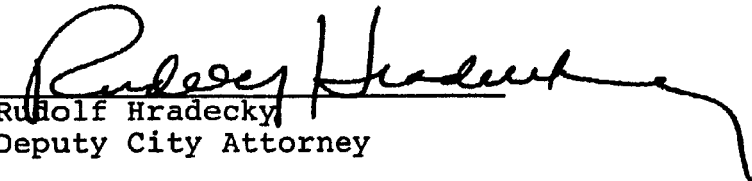
(b) Polystyrene food packaging manufactured prior to January 1, 1989 is exempt from the provisions of this ordinance.

**SEC. 45.0204 PENALTY**

In addition to any other applicable civil or criminal penalty, any person convicted of a violation of Section 45.0202 is guilty of an infraction, which is punishable by a fine not to exceed \$50.00 for the first violation, \$100.00 for the second violation within one (1) year, and \$250.00 for each additional violation within one (1) year. Each incident in violation of section 45.0202 shall constitute a separate violation.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By   
Rudolf Hradecky  
Deputy City Attorney

RH:mrh  
10/06/88  
Or.Dept:W.Mgmt.  
O-89-78  
Form=o.code

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NOV 21 1988

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Jena Martin*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 07 1988

NOV 21 1988

....., and on .....

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Jena Martin*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17183 Adopted NOV 21 1988

CERTIFICATE OF PUBLICATION

RECEIVED  
1988 DEC -9 PM 4:40  
SAN DIEGO, CALIF. 7-

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: TENA MARTIN

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 5, OF THE  
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 2, SECTIONS  
45.0201, 45.0202, 45.0203 AND 45.0204, RELATING TO PRO-  
HIBITION OF PLASTIC FOOD CONTAINERS.

**ORDINANCE NUMBER O-17183 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 5, OF  
THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 2,  
SECTIONS 45.0201, 45.0202, 45.0203 AND 45.0204, RELATING  
TO PROHIBITION OF PLASTIC FOOD CONTAINERS.

This ordinance amends Chapter IV, Article 5 of the San Diego  
Municipal Code, by adding Division 2, Sections 45.0201 through  
45.0204, to prohibit the manufacture, sale or distribution within the  
City of San Diego of certain polystyrene food packaging products  
using CFC-12 dichlorodifluorothane commencing January 1, 1989,  
except as may be authorized by the City Manager.

The term "Polystyrene food packaging" is defined as a packaging  
or container consisting of thermoplastic petrochemical material  
utilizing styrene monomers and blowing agents.

"Polystyrene plastic" is defined as a thermoplastic petrochemical  
material utilizing a styrene monomer and a blowing agent.

Exemptions are authorized for polystyrene food packaging  
manufactured prior to January 1, 1989 or those food packaging items  
determined by the City Manager to have no acceptable non-CFC  
processed equivalent. Violations are infactions punishable by a fine  
not to exceed \$50.00 for a first violation and \$100.00 and \$250.00,  
respectively, for second and third violations within one (1) year.

Introduced on NOV 07 1988

Passed and adopted by the Council  
of The City of San Diego on NOV 21 1988

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By T. Martin, Deputy

Publ December 6

125183

I, THOMAS D. KELLEHER, am a citizen  
of the United States and a resident of the County aforesaid; I am over the  
age of eighteen years, and not a party to or interested in the above-entitled  
matter. I am the principal clerk of the San Diego Daily Transcript, a  
newspaper of general circulation, printed and published daily, except  
Saturdays and Sundays, in the City of San Diego, County of San Diego, and  
which newspaper has been adjudged a newspaper of general circulation by  
the Superior Court of the County of San Diego, State of California, under  
the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17183 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was  
published in said newspaper on the following date(s), to wit:

DEC. 6

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 6 day of DEC., 1988

(Signature)

35.41 x 2 x 3 1/4" = \$67.98