

Chapter 6.22

PLASTIC BOTTLE BEVERAGE REDUCTION

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6.22.010 Intent and Purpose

- A. It is the intent and purpose of this chapter to reduce the use of single-use beverage bottles to:
1. Protect wildlife by reducing harmful litter and marine debris;
 2. Conserve natural resources and reduce greenhouse gas emissions;
 3. Encourage the use of reusable items and divert waste from landfills;
 4. Improve the cleanliness of city public areas and beaches to increase quality of life for residents, businesses, and visitors; and,
 5. Align with the goals set forth in other city policies, including the current city council-adopted versions of the city’s Sustainable Materials Management Implementation Plan and the city’s Climate Action Plan.

6.22.020 Definitions.

- A. For purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section, unless it is obvious from the context that another meaning is intended:
- “City” or “City of Carlsbad” means the entity that governs the incorporated territory of the City of Carlsbad, California.
- “City-affiliated event” means any event or activity that is sponsored or co-sponsored by the city, is paid for, in part or full, using city funds, occurs on city-owned property, or requires a special event permit pursuant to Chapter 8.17 of this code or other authorization from the city.
- “City facility” means any building, structure, property, park, public space, or vehicle, owned, leased or operated by the city, its agents, departments, or designees. For purposes of this chapter, “City facility” does not include city-owned buildings, structures, property, parks, public spaces, or vehicles operated by an entity other than the City pursuant to a lease or other contractual arrangement.
- “City funds” means all monies or other assets received and managed by, or which are otherwise under the control of the city, and any notes, bonds, securities, certificates of indebtedness or other fiscal obligations issued by the city. For purposes of this chapter, “City funds” do not include funds received and managed by, or which are under the control of, any business improvement district.
- “Distribute” means to sell, offer for sale, give, or otherwise provide or offer to provide an item, either as a separate transaction, as part of a transaction for another item, or as a complementary service.
- “Enforcement agency” means the City of Carlsbad or its authorized agents charged with ensuring compliance with this chapter.
- “Enforcement official” means the city manager of the City of Carlsbad or designee.
- “Person” means any person, firm, association, business, organization, partnership, business trust, joint venture, corporation, company, or other public, private, or non-profit entity, and includes the City of Carlsbad and its officers or agents.
- “Plastic bottled beverage” means drinking water, sparkling water, enhanced water, soda, sport drinks, juice, or other similar product in a rigid plastic bottle having a capacity of one liter or less and intended primarily as a single-service container.

“Rigid plastic bottle” means any formed or molded container comprised predominantly of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and intended primarily as a single-service container.

6.22.030 City-affiliated events.

- A. No person shall distribute plastic bottled beverages at city-affiliated events, regardless of whether the event is private or public.
- B. All special event permit applications required by Chapter 8.17 of this code, leases, facility permits, or other such approval granted by city departments for city-affiliated events shall specifically require that the permittee comply with the requirements of this chapter.

6.22.040 City facilities and funds.

- A. No person shall distribute plastic bottled beverages at city facilities, including use of city facilities through a rental, lease, or other agreement.
- B. City funds utilized in any manner, including purchase orders, purchasing cards, grant money, reimbursements, or other expenditures shall not be used to purchase plastic bottled beverages, except as otherwise permitted under this chapter.

6.22.050 Alternative containers

- A. Containers used in lieu of rigid plastic bottles to serve beverages, such as cups for use at beverage refill stations, shall comply with the single-use foodware requirements set forth in Chapter 6.20 of this code and any other provisions of this code or other applicable law.

6.22.060 Exemptions.

- A. The provisions of this chapter shall not apply in the following circumstances:
 - 1. In cases of emergency or other situations where the city manager or designee finds that relying on plastic bottled beverages is necessary to protect the public health, safety and welfare, and no reasonable alternative will serve the same purpose. An example of such emergency includes lack of available potable water due to a natural disaster.
 - 2. Where specific hydration requirements exist for employees working outside and no reasonable alternative to plastic bottled beverages will serve the same purpose.
- B. The city manager or designee may adopt rules, regulations, or forms for regulated entities to obtain full or partial waivers for up to six months from one or more requirements of this chapter. The subject of such waivers may include feasibility-based exemptions. The city manager or designee may also adopt an administrative fee for waiver applications, as well as a process for waiving administrative fees for certain applicants.

6.22.070 Enforcement.

- A. The enforcement agency and enforcement official may exercise any code enforcement powers and procedures as provided in Title 1 of this code.
- B. Violation of any provision of this chapter shall constitute an infraction, punishable pursuant to Chapter 1.08 of this code.
- C. Violation of any provision of this chapter may constitute grounds for retention of all, or a portion of, any deposit paid to the city relating to city-affiliated events or other approved use of city facilities where the violation occurred, such as facility rental deposits.
- D. A person that violates any provision of this chapter in connection with a special event on three or more instances within a one-year period shall be prohibited from obtaining a special event permit under Chapter 8.17 of this code for a period of one year.
- E. Each violation of this chapter shall constitute a separate violation.
- F. Nothing in this chapter shall prevent the city’s enforcement official from obtaining compliance by way of warning, administrative remedies contained in Chapter 1.10 of this code, educational means, or any other civil or administrative remedies available under this code or other applicable law. Such remedies and penalties shall be cumulative and not exclusive.

6.22.080 Severability.

If any portion of this chapter, or its application to particular persons or circumstances, is held to be invalid or unconstitutional by a final decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this chapter or the application of the chapter to persons or circumstances not similarly situated.

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