

ORDINANCE NO. 2026-6212

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 2.42.040, CHAPTER 9.160 AND CHAPTER 9.165, AND REPEALING CHAPTER 9.150 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO EXPANDED POLYSTYRENE, SINGLE-USE PLASTICS, AND SOLID WASTE REDUCTION

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.24.040 of Chapter 2.42 of Title 2 of the Santa Barbara Municipal Code is amended to read as follows:

2.42.040 Function of Department.

The function of the Department is the administration of matters pertaining to sustainability or resilience for the City and any other functions assigned by the City Administrator. The Sustainability and Resilience Department is designated as the local agency for enforcement of any provision of Part 3 of Division 30 of the California Public Resources Code whenever designation of such a local enforcement agency is required by State law.

SECTION 2. Chapter 9.160 of Title 9 of the Santa Barbara Municipal Code is amended to read as follows:

9.160.010 Title.

The title of this Chapter shall be "Polystyrene Food Containers and Products."

9.160.020 Purpose.

The purpose of these provisions is to promote:

- A. The protection of the City's unique waterways and coastal resources including beaches, tidelands, creeks and riparian habitat.
- B. To protect the public health, safety and general welfare.
- C. Compliance with federal, state, and local laws regarding water quality and waste diversion.
- D. A reduction in the amount of waste/debris in City parks, public open spaces, creeks, tidelands and the ocean, and the amount of material going to landfills.

9.160.030 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. **BIODEGRADABLE.** A material that is compostable (separately defined) or the ability of organic matter to break down from a complex to a more simple form through the action of bacteria or to undergo this process.

B. **CITY FACILITY.** Any building, structure or vehicle owned and operated by the City, its agents, agencies, and departments.

C. **CITY CONTRACTOR.** Any person or entity that enters into an agreement with the City to furnish products or services to or for the City.

D. **COMPOSTABLE.** An item or material that:

1. Meets standards for compostability from a certified/approved independent third-party approved by the Sustainability and Resilience Department or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and/or

2. Is any variation of acceptable materials that will break down or otherwise become part of usable compost in a safe and timely manner as determined by the Sustainability and Resilience Department or designee, in collaboration with local waste processors, haulers, and/or other entities, as needed; and

3. Is Natural Fiber-based. Compostable items may include those that are made entirely of Natural Fiber or Natural Fiber-based items that are coated or lined with biologically based polymer, such as, but not limited to corn or other plant sources (e.g., compostable plastics), if certified/approved by independent third parties approved by the Sustainability and Resilience Department or designee.

Compostable does not include items made entirely/primarily of biologically based polymer (e.g., PLA, PHA, or other compostable plastic), even if labeled or certified as compostable.

E. **DISPOSABLE FOOD CONTAINER.** A term interchangeable with to-go packaging and food packaging material and means all containers that are used to hold prepared food or drinks. Disposable food containers include clamshells, bowls, plates, trays, cartons, and cups that are intended for single use, including, without limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by food providers.

F. **EVENTS PROMOTER.** An applicant for any event permit issued by the City or any City employee(s) responsible for any City-organized event.

G. **FOOD PROVIDER.** Any person located within the City that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

H. **FOODWARE.** Products used for serving, consuming or transporting prepared food or raw food or beverages, including, but not limited to, plates, bowls, trays, cups or drink ware, or any container in or on which food or beverages are placed or packaged for consumption, as well as accessory items such as wrappers or wrapping, condiment containers, straws, and utensils.

I. **PERSON.** An individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

J. **POLYSTYRENE.** A thermoplastic petrochemical material utilizing the styrene monomer, including, but not limited to, rigid polystyrene or expanded polystyrene, processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene foodware, regardless of whether it exhibits a resin code.

K. **POLYSTYRENE COOLER.** Any cooler or ice chest made of polystyrene foam (expanded polystyrene), where such foam is not fully encased in another more durable material.

L. **POLYSTYRENE FOODWARE.** Foodware that contains or utilizes polystyrene.

M. **POLYSTYRENE PACKAGES.** Any 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.

N. **POLYSTYRENE PACKING MATERIAL.** Polystyrene material is used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

O. **RECYCLABLE.** Materials that can be recycled consistent with the requirements of Chapter 7.16, including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, high density polyethylene (HDPE), polyethylene terephthalate (PET), clear or rigid polystyrene, corrugated cardboard and mixed paper.

P. **VENDOR.** Any store or business which sells or offers goods or merchandise, located or operating within the City, including those referenced in the definition of "food provider."

9.160.040 Prohibition of Specified Polystyrene Products.

It is unlawful within the City for a person to sell, offer for sale, distribute, or provide for use by others any polystyrene foodware, cooler, package, or packing material.

9.160.050 Exemptions.

A. This chapter does not apply to personal use by individuals of polystyrene foodware, packages, packaging, or coolers.

B. This chapter does not apply to the following polystyrene products:

1. Products made from expanded polystyrene which are wholly encapsulated or encased by a more durable material. Examples include surfboards, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic.

2. Construction products made from expanded polystyrene are exempted from this chapter if the products are used in compliance with Title 22, Environmental Policy and Construction, and Chapter 22.87, Stormwater Management, for development and redevelopment projects, and used in a manner preventing the expanded polystyrene from being released into the environment.

3. Expanded polystyrene packaging products which have been received from sources outside the City may be reused in order to keep the products out of the waste stream.

9.160.060 Penalties and Enforcement.

A. The presence of non-recyclable plastic food containers on the premises of a food provider shall constitute a rebuttable presumption that such packaging is being dispensed.

B. Violations of this chapter shall be enforced as follows:

1. For the first violation, upon a determination that a violation of this chapter has occurred, the City shall issue a written warning notice to the food provider which will specify the violation and the appropriate penalties in the event of future violations.

2. Thereafter, any person violating or failing to comply with any of the requirements of this chapter shall be subject to remedies specified pursuant to Chapters 1.25 and 1.28 of this code.

3. Each and every sale or other transfer of non-recyclable plastic food packaging shall constitute a separate violation of this chapter.

4. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

C. The remedies and penalties provided in this chapter are cumulative and not exclusive of other remedies and penalties available under other provisions of applicable law.

D. The Enforcement Officer as designated by Chapter 7.16 of this Code is responsible for enforcement and administration of this Chapter. The Enforcement

Officer is authorized to conduct inspections, issue citations, and to obtain inspection warrants for enforcement of this Chapter.

SECTION 3. Chapter 9.165 of Title 9 of the Santa Barbara Municipal Code is amended to read:

9.165.010 Title.

The title of this chapter shall be "Solid Waste Reduction and Recycling."

9.165.020 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. **ASEPTIC PAPER PACKAGING.** Shelf-safe packaging typically containing layers of paper, plastic, and aluminum.

B. **BALLOON.** A flexible bag, including, but not limited to, those made from rubber latex, foil, metal, polychloroprene, Mylar, or nylon fabric, that is designed to be inflated with air or gas lighter than air such as helium, hydrogen, nitrous oxide, or oxygen, causing it to float.

C. **BEVERAGE.** Any liquid, including any slurry, frozen, semi-frozen, or other forms of liquids, intended for drinking.

Beverage Provider. Any business, organization, entity, group, or individual located within the City that offers beverages to the public for consumption.

City-Sponsored Event. Any event organized or sponsored by the City or any department of the City.

D. **FOOD PROVIDER.** Any person located within the City that is a retailer of prepared food or beverages for public consumption including, but not limited to, any delicatessen, restaurant, shop, caterer, mobile food vendor, or store or supermarket that provides retail to-go or eat-in food or beverage service.

E. **FOOD.** Food includes prepared food and raw food.

F. **FOODWARE.** Products used for serving, consuming or transporting prepared food or raw food or beverages, including, but not limited to, plates, bowls, trays, cups or drinkware, or any container in or on which food or beverages are placed or packaged for consumption, as well as accessory items such as wrappers or wrapping, condiment containers, straws, and utensils.

G. **FLUORINATED CHEMICAL.** A class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

H. **FLUORINATED CHEMICAL FREE.** An item that: (1) contains no intentionally added fluorinated chemicals beyond a City-determined acceptable threshold; (2) is listed, described, or referenced as fluorinated chemical free on the City's website; and (3) is either certified by the Biodegradable Product Institute (BPI) or other third party as recognized by the City; or (4) is a napkin, stirrer, splash stick, cocktail stick, toothpick, or utensil made entirely of natural fiber, containing no intentionally added fluorinated chemicals.

I. **LATEX BALLOON.** A balloon made with the sap from a rubber tree. During the manufacturing process many chemicals are added to raw rubber including pigments, oils, curing agents and accelerators.

J. **PERSON.** An individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

K. **PLASTIC BEVERAGE BOTTLE.** Any formed or molded beverage 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.

L. **PLASTIC BEVERAGE STRAW.** A tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. Plastic beverage straw includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

M. **PLASTIC CUTLERY.** Any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources intended for only one-time use. Plastic cutlery includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

N. **PLASTIC STIRRER.** A device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. Plastic stirrer includes compostable and biodegradable petroleum or a biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

O. **REUSABLE BEVERAGE CUP.** Any vessel or container for a Prepared Food beverage that is specifically designed and manufactured for repeated cleaning, disinfecting, and reuse at least 100 times, and is dishwasher safe.

P. **REUSABLE FOODWARE.** All foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups and utensils, that is manufactured of

durable materials and that is specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing according to applicable regulations.

9.165.030 Sale or Distribution of Plastic Cutlery and Plastic Beverage Straws and Stirrers Prohibited.

A. It is unlawful for any food provider or beverage provider to use plastic utensils or plastic beverage straws or stirrers, or to provide, distribute, or sell plastic utensils or plastic beverage straws or stirrers to any person.

B. Nothing in this section precludes a food provider or beverage provider from using, providing, distributing, or selling non-plastic alternatives to plastic utensils or plastic beverage straws, such as those made from paper, sugar cane, or bamboo, available to customers. Non-plastic alternative straws and utensils shall be provided only upon request.

C. It is unlawful for any person, food provider or beverage provider to distribute plastic utensils or plastic beverage straws or stirrers at any City facility or any City-sponsored event.

9.165.040 Disposable Foodware Standards.

A. No person shall sell or distribute disposable foodware and disposable foodware accessories that do not comply with City of Santa Barbara municipal compost collection programs and are not free of all intentionally added fluorinated chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third party certifying organization or agency recognized by the City, except that non-compostable foil wrappers that are accepted in the City of Santa Barbara recyclable collection program may be used for burritos, wraps, and other items that require foil to contain and form the food item.

B. The City shall maintain on its website a guide to disposable foodware and disposable foodware accessories that comply with these disposable foodware standards.

C. Food providers and beverage providers may request an exemption from the Sustainability and Resilience Director for specific disposable foodware items.

D. To obtain an exemption or extension for a disposable foodware or disposable foodware accessories item, the food provider or beverage provider must demonstrate that:

1. No disposable foodware or disposable foodware accessories exist with substantially similar size, performance and/or utility that conforms with the disposable foodware standards.

2. Food providers and beverage providers must provide documentation of good faith efforts to obtain a substantially similar compliant item.

3. Records of attempts to obtain a compliant item may include emails, letters or other correspondence with vendors that furnish disposable foodware or disposable foodware accessories, seeking the compliant item and a timeline for compliance.

9.165.050 Reusable Foodware for Dining on the Premises.

A. Prepared food or raw food or beverages served for consumption on the premises of food providers and beverage providers shall only be served using reusable foodware, except that disposable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; straws and paper tray- and plate-liners shall be allowed for dining on the premises, so long as they meet the disposable foodware standards in Section 9.165.040.

B. Notwithstanding the requirements of subsection A above, food providers and beverage providers that do not have on-site or off-site dishwashing capacity or are unable to contract for services to wash, rinse and sanitize reusable foodware in compliance with the California State Health Code may request an extension or exemption. To obtain an extension or exemption, the prepared food vendor must demonstrate an inability to comply due to insurmountable space constraints, undue hardship and/or other extraordinary, insurmountable circumstances.

C. All disposable foodware and disposable foodware accessories used on the premises by food providers and beverage providers that are operating under full or partial extension or exemption obtained shall conform to the disposable foodware standards in Section 9.165.040.

D. Extensions for reusable foodware may be granted for a specified term of up to two years. During the extension term, the food vendor shall make diligent efforts to become compliant with the Section. Under extraordinary circumstances, should a food vendor demonstrate that, at the close or expiration of a granted extension term, and with diligent efforts to become compliant, compliance remains infeasible, additional waivers of up to two years each may be granted. It shall be the food vendor's responsibility to apply for any subsequent extensions in a timely manner.

E. Notwithstanding the two year maximum term for extensions set forth for reusable foodware in this subsection, in certain limited and unique circumstances existing prior to adoption of this chapter, where the food vendor demonstrates diligent efforts to comply but, due to insurmountable space and/or other unique and extraordinary circumstances, may never be reasonably able to comply, the Sustainability and Resilience Director may grant an extension for a longer specified term.

9.165.060 Single-Use Plastic Water Bottle Ban.

A. No person in the City shall, on behalf of a business or other organization, distribute water in single-use plastic bottles equal to or less than 8 fluid ounces in volume. All City vendors, concessionaires, lessees, licensees, and permittees for facility use, special events, and temporary activities shall comply with this section.

B. No vendor shall sell water in single-use plastic bottles equal to or less than 8 fluid ounces in volume in the City.

C. The provisions of this section shall not apply in the following cases:

1. Cases of emergency or other City situations where the Sustainability and Resilience Director finds that relying on single-use plastic water bottles is necessary to protect the public health, safety, and welfare, and no reasonable alternative would serve the same purpose, including lack of available potable water due to a natural disaster.

2. Provision of social services in which the distribution of water in single-use plastic bottles is necessary to promote public health, including without limitation to food banks and warming shelters.

3. Healthcare settings, to the extent that the healthcare provider determines that distribution of water in single-use plastic bottles is necessary for patient care, provided that this exemption shall not apply to the commercial sale of single-use plastic bottles within a healthcare facility.

9.165.070 Regulation of the Sale, Distribution, and Use of Balloons.

A. No person shall sell or distribute foil, metalized, or Mylar balloons within the City either as a separate item or included in a packaged product set.

B. No person shall use foil, metalized, or Mylar balloons on public property within City limits, including, but not limited to, parks and beaches.

C. No person shall use or distribute latex balloons filled with air or lighter than air gas at any City sponsored event.

D. No person shall intentionally release foil, metalized, mylar, or latex balloons filled with lighter than air gas anywhere within the City limits.

9.165.080 Municipal Single-Use Beverage Bottles.

No City officer, official, employee, representative, contractor or agent, shall use, sell, distribute or otherwise provide any single-use plastic beverage bottle or aseptic paper packaging while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

9.165.090 Required Use of Reusable Beverage Cups at Special Events.

A. Any person providing food or beverage at a special event subject to Chapter 15.17 of this Code must ensure that at least 10% of beverages served at the event are served in reusable beverage cups.

B. A person may meet the requirement of subsection A by providing or selling reusable beverage cups at the event and may provide incentives for attendees to bring their own reusable beverage cups. A person applying for a special event permit must

state in the permit application how the requirement in subsection A. will be met. The compliance method will be a condition of permit issuance.

C. An applicant for a special event permit may request a full or partial waiver of the requirements of this Section if the applicant can demonstrate an inability to obtain reusable beverage cups for the special event, or that the application of this Section would create undue hardship or practical difficulty for the applicant. The Special Event Coordinator shall obtain the approval of the Sustainability and Resilience Department before including a waiver in a special event permit.

9.165.100. Prohibition of the Sale, Distribution and Use of Foil, Metalized, Mylar, or Plastic Confetti.

A. No person shall sell or distribute foil, metalized, Mylar, or plastic confetti within the City.

B. No person shall use or distribute foil, metalized, Mylar, or plastic confetti on public property within City limits, including, but not limited to streets, sidewalks, parks, and beaches.

C. No person shall use or distribute foil, metalized, Mylar, or plastic confetti at any City function or City sponsored event.

9.165.110 Exemptions and Enforcement.

A. Food providers and beverage providers are exempt from the provisions of this chapter under the following circumstances:

1. During a locally declared emergency, the City, emergency response agencies operating within the City, users of City facilities, and food providers and beverage providers shall be exempt from the provisions of this chapter.

2. The provision of plastic beverage straws, stirrers or cutlery when the plastic beverage straws, stirrers or cutlery are provided as a part of product that was packaged outside the City and sold within the City.

3. The food provider or beverage provider provides or distributes a plastic beverage straw to a person in order to assure full compliance with the Americans with Disabilities Act (42 USC Section 12102).

B. The Enforcement Officer as designated by Chapter 7.16 of this Code is responsible for enforcement and administration of this Chapter. The Enforcement Officer is authorized to conduct inspections, issue citations, and to obtain inspection warrants for enforcement of this Chapter.

C. Pursuant to California Public Resources Code Section 42272, the Sustainability and Resilience Department is designated as the agency for enforcement of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the California Public Resources Code.

9.165.120 Penalties.

The penalties for violation of this chapter shall be as follows:

A. For the first violation, a written warning notice will be issued to the beverage provider or food provider in order to confirm their understanding of the ordinance and the potential penalties in the event of future violations.

B. The second and each successive violation shall be punishable by civil administrative fines pursuant to Chapter 1.25 of this code. This chapter shall not be criminally enforceable.

C. Violations of this chapter shall be deemed to create a public nuisance. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter. Each and every piece of plastic cutlery, plastic beverage straws, or plastic stirrers provided in violation of this chapter shall constitute a separate violation of this chapter and a continuing nuisance.

9.165.125 Certification of Compliance.

All businesses that are subject to this chapter shall certify compliance with this chapter on the annual business license renewal application.

SECTION 4. Title 9, Chapter 9.150 of the Santa Barbara Municipal Code is repealed.

ORDINANCE NO. 2026-6212

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on February 10, 2026, and adopted by the Council of the City of Santa Barbara at a meeting held on February 24, 2026, by the following roll call vote:

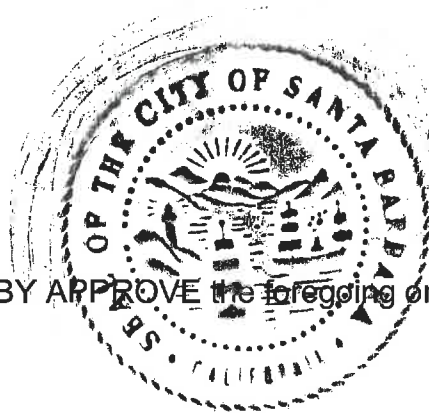
AYES: Councilmembers Oscar Gutierrez, Meagan Harmon, Mike Jordan, Wendy Santamaria, Kristen W. Sneddon.

NOES: Mayor Randy Rowse.

ABSENT: Councilmember Eric Friedman.

ABSTENTIONS: None.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on February 24, 2026.



Sarah P. Gorman, MMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on February 24, 2026.

Randy Rowse
Mayor