

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING CALISTOGA MUNICIPAL CODE TITLE 8, HEALTH AND SAFETY, ADDING A NEW CHAPTER 8.17 REGULATING REUSABLE FOODWARE AND WASTE REDUCTION WITHIN THE CITY OF CALISTOGA

WHEREAS, the Calistoga Green Committee at its regular June 14, 2022 meeting discussed and recommended the proposed municipal code amendments to the Calistoga City Council; and

WHEREAS, greenhouse gas emissions from plastics exacerbate climate change, jeopardizing our ability to keep the global temperature rise below 1.5°C¹; and

WHEREAS, according to the EPA, in 2018 only 8.7 percent of plastics in the United States were recycled, which contributes to approximately 8 million tons of plastic that end up in the oceans annually², and

WHEREAS, without action, scientists estimate that by 2050 the mass of plastic pollution in the ocean will exceed the mass of fish³; and

WHEREAS, food and beverage packaging comprises approximately one-quarter of California's disposed waste stream annually⁴; and

WHEREAS, products made from lightweight plastic materials such as expanded polystyrene foam are not biodegradable, returnable, or recyclable, and easily break up into smaller pieces and, because it is lightweight, may be carried by the wind even when it has been disposed of properly; and

WHEREAS, eliminating the use of polystyrene foam and other non-compostable and non-recyclable items will extend the operating life of our landfills and will lessen the economic and environmental costs of waste management for both businesses and citizens; and

WHEREAS, disposable plastic bottles have significant environmental impacts including littering waterways and streets, generating greenhouse gasses, harming wildlife, increasing solid waste generation and water consumption during manufacturing; and

WHEREAS, the production, consumption, end-use, and disposal associated with disposable foodware, typically used for only a few minutes before being discarded, have significant environmental impacts, including environmental contamination, consumption of precious resources, emissions of greenhouse gases, air and water pollution, litter on streets, harm to wildlife, and plastic pollution in waterways and oceans; and

¹ <https://www.ciel.org/reports/plastic-health-the-hidden-costs-of-a-plastic-planet-may-2019/>

² http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf

³ *Id.*

⁴ <https://www2.calrecycle.ca.gov/PublicNotices/Documents/8345>

WHEREAS, the most effective ways to reduce the negative environmental impacts of disposable foodware include, in order of priority, using reusable foodware, and using natural fiber-based compostable materials; and

WHEREAS, compostable products use natural resources such as water, paper, and energy in their production, transportation, use and end of life, and offer superior alternatives to non-compostable and non-recyclable products currently used for disposable foodware; and

WHEREAS, the City of Calistoga is committed to combating climate change and to its duty to protect the natural environment, the local economy, and the health of its citizens; and

WHEREAS, the limitations proposed on the use of disposable foodware, specifically by food vendors and food providers, are in furtherance of the Goals of the Calistoga Climate Action Plan and the Calistoga General Plan; and

WHEREAS, the City of Calistoga has adopted a goal of net-zero carbon emissions by 2030 and this action would be in furtherance of that goal; and

WHEREAS, the proposed Ordinance would be in furtherance of Council Goal 6: Create an environmentally sustainable community; and

WHEREAS, in October 2021, the State of California passed Assembly Bill 1276 prohibiting a food facility from providing any single use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer, and requiring cities to authorize enforcement of the requirements of the bill on or before June 1, 2022; and

WHEREAS, this ordinance would incorporate the language required under Assembly Bill 1276; and

WHEREAS, during its review, the City Council considered the public record, including the staff report, findings, and any written materials and testimony presented by the public during the hearing.

NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE

Findings: The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this Ordinance.

SECTION TWO

Code Amendment: Chapter 8.17 of Title 8, "Health and Safety" of the Calistoga Municipal Code is hereby added in its entirety as set forth in the attached Exhibit "A".

SECTION THREE

Environmental Review. The City Council has considered all of the evidence in the record, including the staff reports, public petition, and Green Committee advice, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to Section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION FOUR

Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION FIVE

Effective Date. This Ordinance shall take effect **May 1, 2023, or nine (9) months after passage by the City Council**, shall be published in accordance with the law, in a newspaper of general circulation published and circulated in the City of Calistoga.

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City Council meeting on the **## day of Month 2022**, and was passed and adopted at a regular meeting of the Calistoga City Council on the **## day of Month 2022**, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

APPROVED:

Marni Rittburg, CMC, City Clerk

Chris Canning, Mayor

Dated: _____

Exhibit "A"

Chapter 8.17 REUSABLE FOODWARE AND WASTE REDUCTION

8.17.010 Purpose.

It is the intent of the City of Calistoga in enacting Chapter 8.17 to eliminate the use of Polystyrene Foodware and single use plastic Foodware items and to require the use of Reusable, or Compostable, food containers by Food Providers and Customers in Calistoga. Additionally, it is the intent of this Chapter to comply with the requirements of California Assembly Bill 1276 (2021) and to require single use Foodware Accessories and Condiments packaged for single use to be provided only if requested by a Consumer.

8.17.020 Definitions.

For purposes of this chapter, the terms in this section shall have the following meaning:

- A. "Bottled Beverage" means drinking water, sparkling water, enhanced water, soda, sports drinks, juice, or other similar product in a Rigid Plastic Bottle having a capacity of twenty-one fluid ounces or less and intended primarily as a single-service container.
- B. "BPI Certified" means those Compostable fiber Foodware products that have been certified by the Biodegradable Products Institute (BPI) to safely and readily biodegrade in an industrial composting facility in the typical processing time. As of January 1, 2020, BPI ensures all certified products are fluorinated chemical free.
- C. "City" means the City of Calistoga.
- D. "City Facilities" means any building, structure, or vehicle owned or operated by the City, its agencies and departments, and the integrated waste franchisees that are located or operated within the City or by City contracted collection program(s).
- E. "City Manager" means the City Manager of the City of Calistoga, or the City Manager's designee.
- F. "City Property" means real property, including buildings thereon, owned or leased by the City. This includes but is not limited to City offices and facilities, plazas, parks, and public right-of-way (e.g., sidewalks and streets).
- G. "City Street" means the public right-of-way including without limitation all City Streets, sidewalks, and public alleys.
- H. "Compostable" means that (1) all materials in a product, item, or packaging will

break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner, as defined by City contracted collection program(s), (2) item is certified by either BPI Certified, or other third-party product certification recognized by the City, to ensure that the item is free of harmful chemicals, including but not limited to fluorinated chemicals that may have been used in Foodware manufacture, and (3) item is made entirely of Natural Fiber as defined in this chapter.

1. “Compostable” includes entirely Natural Fiber-based items except as otherwise specified in this chapter.
2. “Compostable” includes Disposable Foodware utensils made from bamboo, birchwood, and other Natural Fiber material except as excluded in this chapter.
3. Currently “Compostable” shall not include Disposable Foodware utensils made from corn or potato.
4. “Compostable” shall not include items composed wholly or partially of plastic of any kind, including any form of Polylactic Acid (PLA), and/or plastic labeled “biodegradable” or “Compostable,” as these are not biodegradable by City contracted collection program(s).
5. “Compostable” shall not include lined or coated takeout coffee or other hot drink cups as they are currently not Compostable by City contracted collection program(s).

I. “Customer” means any Person obtaining Prepared Food from a “Vendor”.

J. “Disposable” means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuse.

K. “Disposable Cup” or “Non-Reusable Cup” means a beverage cup designed for single use to serve beverages, such as water, cold drinks, hot drinks, and alcoholic beverages.

L. “Disposable Foodware” means all containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, utensils (forks, spoons, knives, chopsticks, etc.) napkins, condiment cups and packets, cocktail picks, toothpicks (and the packaging that these individual items are wrapped in, if any), cup sleeves, tops, and spill plugs and other Disposable items designed for one-time use for Prepared Foods, including without limitation, Foodware for Takeout Foods and/or leftovers from partially consumed meals prepared by Food Providers. Reusable Foodware items, as defined in this chapter, are not included in this definition.

M. "Event Promoter" means an applicant for any event permit issued by the City.

N. "Food Facility" means an operation that stores, prepares, packages, serves, vends or otherwise provides food to the public for human consumption at the retail level, as defined in Section 113789 of the Health and Safety Code, as may be amended, and any B and B in the City.

O. "Food Provider" means any Food Vendor, business, caterer, organization, entity, group, or individual, including any restaurant or Food Service Establishment, including a motor vehicle or mobile unit-based Vendor of Prepared Food located or operating within the City or providing food or beverage to the public, and any provider of Prepared Food at organized or special events occurring within the City.

P. "Food Service Establishment" means any Store, shop, sales outlet, restaurant, or other establishments, other than a restaurant, including but not limited to a grocery store, delicatessen, bakery, vehicle or mobile unit-based Vendor, drive-in, coffee shop, cafeteria, short-order cafe, luncheonette, grill, sandwich shop, hotel, motel, movie house, theater, bed and breakfast inn, tavern, bar, cocktail lounge, tasting room, nightclub, roadside stand, Takeout Food place, industrial feeding establishment, catering kitchen, commissary, special event, food market, produce stand, food stand, or similar place in which food or drink is prepared for sale, or for service on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served or provided to Customers and that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the California Revenue and Taxation Code).

Q. "Food Vendor" means any restaurant, Vendor, business, non-profit, organization, entity, group, or individual that provides Prepared Food at a retail level, including a Food Service Establishment, vehicle, or mobile unit-based Vendor. Food Vendor includes all establishments that carry a food permit from the Napa County Department of Environmental Health.

R. "Foodware" means all containers, bowls, plates, food trays, cups, lids, boxes, and other like items that are used for Prepared Foods, including without limitation, foodware for Takeout Foods and/or leftovers from partially consumed meals prepared by Food Vendors.

S. "Foodware Accessory" means Disposable Foodware items often provided with Prepared Food, including but not limited to knives, forks, spoons, chopsticks, napkins, cup sleeves, food wrappers, beverage trays, food wrappers, condiment containers, straws, stirrers, splash sticks, cocktail sticks, toothpicks, tray-liners,

and plate-liners.

T. "Natural Fiber" means plant or animal-based, non-synthetic fiber that is Compostable, including but not limited to products made from uncoated paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc. Natural Fiber shall not include items composed wholly or partially of plastic of any kind.

U. "On-Premises" means patrons who consume food or beverages on the property of a Food Provider, Food Service Establishment or Food Vendor.

V. "Off-Premises" means patrons who do not consume food or beverages on the property of a Food Provider, Food Service Establishment or Food Vendor but take the food elsewhere to consume (e.g. take-out, carry-away, left-overs, etc.).

X. "On Request" means that only at the request of a Customer shall the compliant product be provided.

Y. "Person" means and includes a natural Person or legal entity, and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

Z. "Plastic Bottle" means a plastic container that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure, and has a capacity of sixteen fluid ounces or more, but less than five gallons.

AA. "Polystyrene" means a thermoplastic petrochemical material utilizing a styrene monomer and processed by various techniques such as fusion of polymer spheres ("expandable bead Polystyrene"), injection molding, form molding, and extrusion blow molding ("extruded foam Polystyrene"), blown Polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam, a Dow Chemical Company trademarked form of Polystyrene foam insulation). Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, and coolers.

BB. "Prepared Food" means food or beverages prepared for consumption on the food establishments' premises or within the City that are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared for consumption and includes Takeout Food. For the purpose of this chapter, Prepared Food shall not include raw, butchered meats, fish, and/or poultry sold from a butcher case or similar retail appliance, excepting that all provisions relating to Polystyrene prohibition shall apply, and that packaging trays shall conform with Recycling requirements, as specified in this chapter.

CC. "Recyclable" means material that can be sorted, cleaned, and reconstituted

by City contracted collection program(s) for the purpose of using the altered form in the manufacturing of a new product.

1. "Recyclable" and/or "Recycling" shall not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
2. Currently "Recyclable" includes plastic items with a Recycling code of 1 and/or 2 only.
3. "Recyclable" shall not include items that are composed wholly or partially of Polylactic Acid (PLA).
4. "Recyclable" shall include glass bottles and jars, aluminum/tin/bimetal cans, bottles and trays, unlined paper products that are free of oils and/or food, and cardboard that is not coated.

DD. "Reusable Foodware" means all foodware, including plates, bowls, cups, jars, trays, glasses, straws, stirrers, condiment cups, utensils, etc., that are manufactured of durable materials and that are 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.

EE. "Rigid Plastic Bottle" means any formed or molded container made of predominantly plastic resin, having a relatively inflexible fixed shape or form, and intended primarily as a single-service container.

FF. "Store" means any of the following retail establishments located within the geographical limits of the City that meets the following requirements:

1. "Supermarket" means a full-line, self-service Retail Store with gross annual sales of two million dollars (\$2,000,000) or more, and which sells a line of dry grocery, canned goods, or nonfood items, and some perishable items.
2. "Retail Store" means a Store with retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the Revenue and Taxation Code).
3. "Convenience Food Store" means any entity engaged in the retail sale of a limited line of goods that includes milk, bread, sodas, and snack foods including those Stores with a Type 20 or 21 licenses issued by the California Department of Alcoholic Beverage Control. (Ord. 1434, eff. 1/3/2014; Ord.

1440, eff. 6/19/2015. Formerly 5477).

GG. "Takeout Food" means food or beverages requiring no further preparation to be consumed and which generally are purchased to be consumed off the premises of the retail Food Vendor.

HH. "Vendor" means any Store or business which sells or offers goods or merchandise, located or operating within the City, including "Food Service Establishments," and "Food Providers."

8.17.20 Foodware Standards.

A. On-Premises.

1. On-Premises, Food Providers and Food Vendors, food and beverages sold and consumed on-site, shall be served using Reusable Foodware, except as exempted in this chapter.
2. On-Premises, Food Providers and Food Vendors may provide Disposable Foodware Accessories which are made of Natural Fibers, including napkins, food wrappers, straws, stirrers, toothpicks, cocktail sticks, tray liners, and plate liners, except as exempted in this chapter.
3. On-Premises, Food Providers and Food Vendors shall offer condiments in reusable containers or dispensers rather than pre-packaged, single-use condiment packets, except as exempted in this chapter.

B. Off-Premises.

1. Off-Premises, Food Vendors, Food Providers, and Food Service Establishments shall use Reusable Foodware or Disposable Foodware made of Natural Fibers, except as exempted in this chapter.
2. Off-Premises, Food Vendors, Food Providers, and Food Service Establishments shall provide Disposable Foodware Accessories, which are made from Natural Fibers, including napkins, cup sleeves, beverage trays, condiment containers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks, only On Request or at self-serve stations.
3. Off-Premises, Food Vendors, Food Providers, and Food Service Establishments food bags shall be reusable, paper, or comply with [Chapter 19.12](#) (regulations for Single-Use Carryout Bag Reduction).
4. Off-Premises, Food Vendors, Food Providers, and Food Service

Establishments for delivery, takeout, or curbside pickup shall provide Disposable Foodware Accessories and single-use condiments only On Request. A Food Vendor and Food Provider for delivery service may include lids, spill plugs, and sleeves without request for Disposable/Non-Reusable Cups as necessary for safe transport.

5. Off-Premises, Food Vendors, Food Providers, and Food Service Establishments shall provide plastic straws, upon Customer request only as required to accommodate Persons with medical or other special or access needs.

C. Customer-provided reusable cups and other Foodware.

1. The City encourages Customers to use their own reusable cups for takeout drinks.
2. At their discretion, Food Vendors and Food Providers may offer a discount to Customers who bring a reusable cup or other Foodware for Off-Premises consumption in accordance with the California Retail Food Code Section 114121 (a).

D. Polystyrene Disposable Foodware – Prohibited use.

1. Food Vendors, Food Providers, and Food Service Establishments are prohibited from providing Prepared Food to Customers in Polystyrene Foodware, except as exempted in this chapter.
2. Polystyrene Foodware shall not be sold, used, or provided by any Vendor or Event Promoter in the City, except containers that are wholly encapsulated or encased within a more durable material, such as Polystyrene-insulated reusable coolers, except as exempted in this chapter.

8.17.30 Bottled Beverage reduction.

A. Sale and distribution of Disposable Plastic Bottle Beverages on City Property.

1. No Person or Vendor may sell or distribute Plastic Bottled Beverages at any activity for which the City has issued a permit allowing the activity to be held in or on City Property.
2. In the event that containers greater than twenty-one ounces in size are utilized, Disposable/Non-Reusable Cups may be used in the serving of beverages.

8.17.40 Record Keeping and Inspection.

- A. City representatives and its designee are authorized to conduct inspections and investigations, at random or otherwise, of Foodware usage to confirm compliance with this chapter by Food Vendors, Food Providers, and Food Service Establishments, subject to applicable laws. This section does not allow the City to enter the interior of a private residential property for inspection. Such inspections and investigations may include confirmation of proper Foodware usage or other requirements of this chapter described herein. Failure to provide or arrange for: (A) access to an entity's premises; (B) assessment of Foodware usage or (C) access to records for any inspection or investigation is a violation of this chapter.
1. Any records obtained by the City and/or its designee during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
 2. City representatives and its designee are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
 3. The City and/or its designee shall receive written complaints from Persons regarding an entity that may be potentially noncompliant with this chapter, including receipt of anonymous complaints.

8.17.50 Waivers.

- A. A Food Vendor, Food Provider, or Food Service Establishment may request a waiver(s) from the City Manager or designee for specific Disposable Foodware items that the City has not exempted, provided that the owner or operator documents and demonstrates application of the requirements would cause undue hardship. An undue hardship includes, but is not limited to the following:
1. A situation unique to the Food Vendor, Food Provider, or Food Service Establishment where no suitable alternative Disposable Foodware item that complies with the requirements of this chapter exists in a substantially similar size, performance, and/or utility.
 2. The application of this chapter would cause significant economic hardship. Significant economic hardship may be based on, but not limited to, demonstrating that suitable Foodware or Foodware Accessories made of Natural Fiber is not available at a commercially reasonable price and the additional cost associated with providing the Foodware made of Nature

Fiber is particularly burdensome to the Food Vendor, Food Provider, or Food Service Establishment based on the type of operation(s) affected, the overall size of the business/operation, the number, type and location of its facilities, the impact on the overall financial resources of the Food Vendor, Food Provider, or Food Service Establishment, and other factors. The reasonable added cost for a suitable item as compared to a similar item that the Food Vendor, Food Provider, or Food Service Establishment can no longer use shall not by itself constitute adequate grounds to support an exemption for such item. In determining whether a significant economic hardship has been established, the City Manager or designee shall consider the following information:

- a. The ability of the Food Vendor, Food Provider, or Food Service Establishment to recover the additional expense by increasing its prices.
 - b. The availability of tax credits and deductions.
 - c. Outside funding
 - d. And other available options.
- B. The applicant shall provide the following information when requesting a waiver for specific Disposable Foodware items:
1. The name, address, and signature of the responsible Person associated with the Food Vendor, Food Provider, or Food Service Establishment (i.e., owner or general manager).
 2. The specific Disposable Foodware item for which the waiver is being requested.
 3. A brief statement in ordinary and concise language of the specific reason for which the waiver is being requested, together with any supportive documentation.
- C. If the City Manager or designee determines that a reasonably feasible Disposable Foodware item that complies with this chapter does not exist, these items will be exempt from these provisions until the City Manager or designee determines that a reasonably feasible alternative is available on the market for purchase.
- D. The City Manager or designee shall act on a waiver application no later than 30 days after receipt of such application, including mailing written notification of his or her decision to the address supplied by the applicant.

8.17.50 Exemptions.

- A. The following items or activities are exempt from the Disposable Foodware provisions set forth in this chapter:
1. Disposable Foodware composed entirely of aluminum or glass and is Recyclable.
 2. Pre-packaged food that arrives at the premises of the Food Service Establishment in a container or wrapper and is not removed from the container or wrapper before its sale or distribution.
 3. Repackaging of bulk food items in plastic bags for preservation and delivery purposes by government or charitable food distribution centers, such as food banks.
 4. Where plastic cups and/or lids are needed for Off-Premises consumption, all cups and lids shall be Recyclable.
 5. Where suitable Compostable Foodware products that comply with the provisions of this chapter are unavailable, as in the examples provided, Vendors shall use Recyclable products if available. This exemption shall apply, (1) when needed to comply with State or County health code regulations, such as regulations requiring specified temperature be maintained for hot-table display, and (2) when no Compostable product is available that protects public health and safety such as the packaging of butchered meats, fish, and/or poultry sold from a butcher case or similar retail appliance as described in Section 8.17.020.BB, and (3) when deli or grocery items such as sushi, salads, and cakes, require display packaging.
 6. Bulk Disposable Foodware items sold by Vendors.
- B. The following items or activities are exempt from the Polystyrene prohibitions set forth in this chapter:
1. Pre-packaged food that arrives at the premises of the Food Vendor, Food Provider, or Food Service Establishment in a container or wrapper and is not removed from the container or wrapper before its sale or distribution (e.g., ramen noodles in a Polystyrene cup or pre-packaged dried fruit or vegetables sold at a grocery Store.)
 2. City Facilities, City franchisees, contractors, and Vendors doing business with the City in situations deemed by the City Manager or designee to be

an emergency and procuring and distributing emergency supplies and services for the immediate preservation of the public health, safety, and welfare.

3. Medical supplies and services.
 4. Products made from Polystyrene that are wholly encapsulated or encased by more durable material. Examples include surfboards, boats, life preservers, craft supplies, coolers, and ice chests which are wholly encapsulated or encased by more durable material.
 5. Styrofoam coolers sold by Vendors to transport recently purchased temperature-sensitive goods.
 6. Construction products made from Polystyrene if the products are used in compliance with the City Code concerned with stormwater management and used in a manner that prevents the Polystyrene from being released into the environment.
- C. The City Manager or designee may temporarily waive the requirements set forth in this chapter in full or in part if it is demonstrated to the satisfaction of the City Manager or designee that strict compliance would not be feasible, would create undue hardship or practical infeasibility, or that other reasonable circumstances warrant temporarily waiving the requirements of this chapter.
- D. The provisions set forth in this chapter shall not apply during emergencies (i.e., fire, earthquake, flood, etc.).
- E. The provisions set forth in this chapter shall not apply where there are hydration requirements for employees working outside (e.g., fieldwork) and no reasonable alternative to plastic Beverage Bottles will serve the same purpose.
- F. The provisions set forth in this chapter do not apply to an event for which the applicant submitted a complete application for review, or received approval, prior to the effective date of the Ordinance codified in this chapter.
- G. Nothing set forth in this chapter shall be construed to impair a lease, contract, permit, bid proposal, solicitation, or another form of agreement to which the City is a party on or before the effective date of this chapter.

18.17.60 Administration, enforcement, and penalties.

- A. The City Manager or designee shall have primary responsibility for the enforcement of this chapter. The City Manager or designee is authorized to

establish regulations and to take any and all action reasonable and necessary to obtain compliance including, but not limited to, inspecting the premises of any Food Vendor, Food Provider, Food Service Establishment, and Store to verify compliance.

- B. Any Person or Food Vendor who violates this chapter shall be considered guilty of an infraction for each offense and subject to those penalties as established by the Resolution of the City Council.
- C. In addition to any other remedy available, any violation of this chapter by any Person or Food Vendor is subject to the following administrative fines pursuant to California Government Code Section 53069.4, and Chapter 1.08 of this code.
- D. The City of Calistoga may seek legal, injunctive, or other equitable relief to enforce this chapter.
- E. The remedies and penalties provided in this chapter are cumulative and not exhaustive, and nothing set forth in this chapter shall preclude the City from pursuing any other remedy provided by law.