

## ORDINANCE NO. 2021-11

### AN ORDINANCE AMENDING CHAPTER 20 OF THE EDINA CITY CODE CONCERNING GREEN TO GO PACKAGING

#### THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Chapter 20 of the Edina City Code is amended by adding Article XII to read as follows:

#### ARTICLE XII GREEN TO GO PACKAGING

##### DIVISION I. - GENERALLY

20-636 Purpose and Objectives. The purpose and intent of this ordinance is to:

1. Promote waste reduction.
  - a. Lowering the amount of greenhouse gases emitted during the incineration and landfilling of non-recyclable and compostable food and beverage packaging and non-packaging items.
  - b. Assisting the City in reaching the waste reduction goals established by the State of Minnesota and Hennepin County.
2. Promote waste prevention.
  - a. By encouraging the use of reusable food and beverage packaging when possible.
  - b. By reducing or eliminating products that create waste such as single-use, disposable food and beverage packaging and non-packaging items that cannot be recycled or composted, and must be disposed of by incinerating or landfill.
3. Promote waste recycling by maximizing the amount of single-use food and beverage packaging and non-packaging items that can be recycled or composted.
4. Minimize contamination in organics and recycling.

20-637 Definitions. The following words shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

Certified compostable shall mean that a material or product will biodegrade without leaving a residue or any toxicity in the soil. Any compostable plastics or lined papers must meet the ASTM standards for compostable products, as certified by the Biodegradable Products Institute or other similar independent certification bodies.

Commercially compostable shall mean that certified compostable materials will biodegrade at a commercial site used to compost organic materials where the environment is carefully controlled and regulated to facilitate optimal degradation.

Food and beverage packaging shall mean packaging used to serve food and beverage products intended for immediate consumption including cups, plates, bowls, serving trays, to-go containers, clamshells, wrappers, and lids.

Green To Go Packaging shall mean and include any of the following:

Compostable packaging: packaging that is separable from solid waste by the generator or prior to collection for the purpose of composting. Compostable packaging must be made of unlined paper (unless lining is certified compostable), certified compostable plastic that meets ASTM standards or

other cellulose-based packaging capable of being decomposed through composting or anaerobic digestion.

Recyclable packaging: food or beverage packaging that is separable from solid waste prior to collection for the purpose of recycling. Recyclable packaging must be accepted by the local material recovery facilities (MRF) receiving and processing the materials and have existing robust recycling markets as determined by Hennepin County. This includes glass bottles, aluminum cans and plastic food and beverage packaging. Plastic food and beverage packaging that is acceptable as determined by Hennepin County.

Reusable packaging shall mean food or beverage packaging that is capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage.

Food establishment shall mean a "food establishment" as defined by Edina City Code.

Mobile food unit shall mean "mobile food unit" as defined in Edina City Code.

Non-packaging food service items shall mean items that are not packaging, but are used to consume food, including straws and utensils.

Single-use shall mean an item designed and intended for a single use.

## **DIVISION 2. ON-SITE COLLECTION FOR RECYCLABLES AND COMPOSTABLE PACKAGING**

20-638 Rules.

No person owning, operating or conducting a food establishment or any person or organization providing free food or beverage products within the City of Edina in a manner which would require a permit or license, shall do or allow to be done any of the following within the city:

Provide or possess for sale any packaging which is not green to go. Presence of food and beverage packaging other than Green to Go will be presumed as non-compliance with this ordinance

This subparagraph shall not apply to manufacturers, brokers or warehouse operators, who conduct or transact no retail food or beverage business.

To reduce contamination in recycling and organics, mobile use-food establishments and all other food establishments shall implement the following:

Single-use cups and containers that are utilized with lids shall have lids of the same category of packaging.

Recyclable packaging shall only have recyclable lids

Compostable packaging shall only have compostable lids.

Compostable cups shall be labeled to clearly indicate to the consumer that the cup is compostable. Labeling must include at least one of the following:

The words "certified compostable," "commercially compostable" or other language which meet ASTM standards. "Made from plants," "bio-based," or "biodegradable" are not acceptable alternatives on their own.

The logo of a third-party certification or testing body indicating the cup meets compostability standards, as approved by the City of Edina.

All food establishments shall implement the following in relation to non-packaging food service items:  
Single-use utensils including, but not limited to, forks, spoons, and knives shall be compostable.

Single-use straws of any kind shall only be provided to consumers upon request. Front- of-house straw dispensers, which allow for customers to self-serve, meet this requirement.

A food establishment which utilizes single-use compostable and/or recyclable food packaging to serve consumers on-site shall have on-site collection for recyclable and/or compostable packaging.

A food establishment that does not utilize single-use packaging to serve consumers on-site is exempt from the requirement to have on-site collection for recyclable and/or compostable packaging.

A food establishment that does not have dine-in seating for consumers is exempt from the requirement to have on-site collection for recyclable and/or compostable packaging.

If a mobile food unit or establishment is being hosted by an entity as part of an event or regular business, the hosting entity shall provide on-site collection for recyclable and/or compostable packaging.

Containers for the on-site collection of recyclable and/or compostable packaging shall be co- located with garbage containers.

If garbage receptacles are available to consumers, then receptacles for separating recyclable and/or compostable packaging must also be made available to consumers in the same location.

If garbage receptacles are not available to consumers and are instead placed in areas for use by staff only, then receptacles for separating recyclable and/or compostable packaging are only required in those locations.

A food establishment shall arrange for the collection of recyclable and/or compostable packaging by a licensed solid waste collector for delivery to an appropriate transfer station or processing facility.

20-639 Exclusions and Exceptions. Notwithstanding any other provisions to the contrary, this ordinance shall not apply to:

Manufacturers, brokers, distributors or warehouse operators who conduct or transact no retail food or beverage business;

Food and beverage service provided through patient care at hospitals and nursing homes;

Food packaging pre-packaged by a manufacturer, producer or distributor;

Plastic films less than ten (10) mils in thickness;

Any packaging, which is not considered green to go packaging, but for which there is no commercially available alternative as determined by the City of Edina, following Hennepin County guidance. In determining whether there are commercially available alternatives, the City of Edina will consider whether

there is availability of green to go packaging for affected products. Every rule creating an exemption under this paragraph may be reviewed by The City of Edina.

20-640 Enforcement. The City shall have the duty and the authority to enforce provisions of this chapter pursuant to City Code Sec. 20-445.

20-641 Severability. If any part or provision of this ordinance or the application thereof to any person, entity, or circumstances shall be judged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons, entities, or circumstances.

**Section 2. Effective Date.** April 1, 2022

First Reading: 10/19/21

Second Reading: 11/3/2021

Published:

Attest

\_\_\_\_\_  
Sharon Allison, City Clerk

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James B. Hovland, Mayor

Please publish in the Edina Sun Current on  
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Bill to Edina City Clerk