

**ORDINANCE NO. C-\_\_-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY  
ADDING CHAPTER 7.30 "POLYSTYRENE BASED DISPOSABLE FOOD SERVICE  
WARE PROHIBITED" TO THE CITY OF HALF MOON BAY MUNICIPAL CODE**

**RECITALS**

**WHEREAS**, the County of San Mateo has adopted an ordinance prohibiting food vendors from using polystyrene based disposable food service ware; and

**WHEREAS**, this Council finds that polystyrene is a petroleum-based, lightweight plastic material commonly used as food service ware by retail food vendors operating in the City of Half Moon Bay. Polystyrene, often referred to by the trademark Styrofoam, has also become a problematic environmental pollutant given its non-biodegradable, and nearly non-reusable nature; and

**WHEREAS**, this Council finds that polystyrene-based, single-use food service ware constitutes a substantial portion of the litter within the City of Half Moon Bay; and

**WHEREAS**, this Council finds that effective ways to reduce the negative environmental impacts of disposable food service ware include reusing or recycling food service ware and using compostable materials made from renewable resources such as paper, cardboard, corn starch, potato starch, and/or sugarcane; and

**WHEREAS**, this Council does, accordingly, find and declare that it should restrict the use by food vendors of polystyrene-based disposable food service ware.

**NOW, THEREFORE**, the City Council of the City of Half Moon Bay ordains as follows:

**SECTION 1.** Chapter 7.30 "POLYSTYRENE BASED DISPOSABLE FOOD SERVICE WARE PROHIBITED" is added to City of Half Moon Bay Municipal Code to read as follows:

**"Chapter 7.30**

**POLYSTYRENE BASED DISPOSABLE FOOD SERVICE WARE  
PROHIBITED**

**Section 7.30.010 Adoption of San Mateo County Code Chapter 4.107  
by Reference.**

Chapter 4.107 "Prohibition on the Use of Polystyrene Based Disposable  
Food Service Ware by Food Vendors" of Title 4 of the San Mateo County

ordinance code, and any amendments thereto, are hereby adopted and made effective in this city. Certified copies of Chapter 4.107 of Title 4, as adopted hereby, have been deposited with the City Clerk, and shall be at all times maintained by the Clerk for use and examination by the public.

**Section 7.30.020 Authorization of Enforcement By San Mateo County Personnel.**

The County of San Mateo, its officers, employees and agents are hereby authorized to enforce, on behalf of the city, Chapter 4.107 "Prohibition on the Use of Polystyrene Based Disposable Food Service Ware by Food Vendors" of Title 4 of the San Mateo County ordinance code, and any amendments thereto, within the jurisdiction areas of this city. Such enforcement authority includes, but is not limited to, the collection of fees and fines, expending such revenue in the enforcement of the prohibition on the use of polystyrene based disposable food service ware by food vendors, holding hearings, suspending permits and issuing administrative fines.

**Section 2. Severability.** If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 3. Publication.** The City Clerk of the City of Half Moon Bay is hereby directed to publish this Ordinance, or the title hereof as a summary, pursuant to Government Code Section 36933, once within fifteen (15) days after its passage in the Half Moon Bay Review, a newspaper of general circulation published in the City of Half Moon Bay.

**Section 4. Effective date.** This Ordinance shall take effect and be in force on the first day of August, 2011.

**INTRODUCED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 17th day of May, 2011.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the \_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

AYES, Councilmembers: \_\_\_\_\_

NOES, Councilmembers: \_\_\_\_\_

ABSENT, Councilmembers: \_\_\_\_\_

ABSTAIN, Councilmembers: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Siobhan Smith, City Clerk

\_\_\_\_\_  
Naomi Patridge, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony P. Condotti, City Attorney