ORDINANCE NO. C-__-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
ADDDING 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

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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