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TOWN OF YOUNTVILLE

Yountville Ordinance No. 209

AN ORDINANCE PROHIBITING THE POSSESSION OF  
POLYSTYRENE FOOD PACKAGING ON TOWN PREMISES

WHEREAS, the current publicly available evidence shows that polystyrene foam food or drink containers create or contribute to significant health and litter problems in the Town of Yountville; and

WHEREAS, polystyrene foam food or drink containers are an ubiquitous and light-weight source of litter, and are not biodegradable, thus constituting a large portion of accumulated litter; and

WHEREAS, medical evidence exists suggesting that styrene, a toxic chemical, may leach into food or drink from polystyrene foam containers, jeopardizing the public health; and

WHEREAS, polystyrene foam food containers present a solid waste management problem in the Town of Yountville because there is currently no market for the recycling of the polystyrene foam, and because evidence suggests that complex chemical reactions may occur when polystyrene foam is disposed of in solid waste landfills releasing potentially harmful emissions or leachate into the atmosphere, soil, and ground water; and

WHEREAS, the collection of polystyrene litter and the disposal of polystyrene waste results in direct costs to the Town; and

WHEREAS, alternatives to polystyrene foam food or drink containers are readily available in the form of paper or nondisposable packaging.

NOW THEREFORE BE IT ORDAINED that Ordinance No. 209 shall be enacted as follows:

Polystyrene foam food packaging is prohibited on Town premises and on any premises in the Town used for a purpose for which a special events permit is required from the Town. Furthermore, polystyrene foam food packaging is prohibited on any commercial business premises in the Town for the purpose of being filled on the premises with food or beverages for sale to any person.

A. Definitions.

1. "Polystyrene Foam" means any styrene or vinyl chloride monomer or polymer which is blown, molded or extruded into a foam-like material.
2. "Polystyrene Foam Food Packaging" means any food packaging which contains any polystyrene foam.
3. "Person" or "anyone" means any natural person, firm, corporation, partnership, or other organization or group, however organized.
4. "Food Packaging" means all bags, sacks, wrapping, container, bowls, plates, trays, cartons, cups, straws and lids, on or in which any foods or beverages are placed or packaged or are intended to be placed or packaged.

5. "Town premises" means all lands, water, buildings, or premises owned by or leased to the Town of Yountville.

6. "Commercial Business Premises" means the premises of any business entity which sells food or beverages to any person.

7. "Special Events Permit" means that permit which the Town requires to be obtained in order to hold events, as is set forth in (Ordinance #162 ) which sets forth when a special events permit is required.

B. Violations and Penalties. Any person who while on Town premises or on premises in the Town being used for a purpose for a which a special events permit is required, willfully possesses, gives, receives, lends, offers or exposes for sale, uses, delivers, furnishes, transfers or disposes of any polystyrene foam food packaging is guilty of an infraction, punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00).

Any person who while on commercial business premises willfully possesses, gives, receives, offers or exposes for sale, uses, delivers, furnishes, or transfers any empty polystyrene foam food packaging which is to be filled on those premises with food or beverages, is guilty of an infraction, punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00).

C. Interpretation. This Ordinance No. 209 is not intended and shall not be construed to apply to any substance or activity which is regulated by federal or state law or to unduly interfere with the achievement of federal or state regulatory activities. It is the intention of the Town Council that this Ordinance shall

be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes which those enactments express.

D. Exemptions. The Town Council or its authorized agent may exempt an item or type of packaging from the requirements of this Ordinance upon a showing that imposing the requirements of this Ordinance on that item would cause undue hardship. Items of polystyrene foam food packaging required to be purchased under contract entered into prior to or within six (6) months of the effective date of this Ordinance are exempt from the provisions of this Ordinance. The Town Council or its authorized agent may exempt an item or type of packaging in the case of a Town concessionaire for a period not to exceed six (6) months from the effective date of this Ordinance.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Yountville held on September 19, 1989.

ADOPTED and ordered posted at a regular meeting of the Town Council of the Town of Yountville held on the 17th day October, 1989, by the following vote:

AYES: Houghton, Leftwich, Mitchell, McClimans, Wharff;

NOES: None;

ABSENT: None.

Charles B. Wharff  
Mayor

ATTEST:

Robert Angeles  
Town Clerk