

ORDINANCE NO. 2012-

**ORDINANCE OF THE TOWN OF PORTOLA VALLEY ADDING
SECTION 8.04.040 [CHAPTER 4.107 OF COUNTY CODE ADOPTED—
SANITATION AND HEALTH] TO TITLE 8 [HEALTH & SAFETY] OF
THE PORTOLA VALLEY MUNICIPAL CODE**

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

WHEREAS, the Town Council of the Town of Portola Valley finds that there is a substantial interest in banning the use of polystyrene based disposable food service ware by food vendors including, but not limited to, reducing the waste stream from the Town of Portola Valley; and

WHEREAS, banning the use of polystyrene based disposable food service ware by food vendors will not unduly burden business activities.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **ORDAIN** as follows:

1. **ADDITION OF CODE.** Section 8.04.040 [Chapter 4.107 of County Code Adopted—Sanitation and Health] is hereby added to Title 8 [Health & Safety] of the Portola Valley Municipal Code to read as follows:

8.04.040 Chapter 4.107 of County Code Adopted—Sanitation and Health.

A. Chapter 4.107 “Prohibition on the Use of Polystyrene Based Disposable Food Service Ware by Food Vendors” of Title 4 “Health and Sanitation” of the San Mateo County Ordinance Code, and any amendment thereto, is hereby adopted in its entirety by reference and made effective in the Town. Certified copies of Chapter 4.107 of Title 4, as adopted hereby, have been deposited with the Town Clerk, and shall be at all times maintained by the Town Clerk for use and examination by the public.

B. The Environmental Health Division of the County of San Mateo is authorized to enforce, on behalf of the Town, Chapter 4.107 “Prohibition on the Use of Polystyrene Based Disposable Food Service Ware by Food Vendors” of Title 4 “Health and Sanitation” of the San Mateo County Ordinance Code, and any amendments thereto, within the jurisdiction areas of the Town. Such

enforcement authority includes, but is not limited to, the authority to hold hearings and issue administrative fines.”

2. SEVERABILITY. If any part of this ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or the applicability of this ordinance to other situations.

3. ENVIRONMENTAL REVIEW. This ordinance is not a project for the purposes of the California Environmental Quality Act. Even if it were a project, it would be exempt pursuant to 14 California Code of Regulations Section 15308, actions by agencies for the protection of the environment.

4. EFFECTIVE DATE; POSTING. This ordinance shall become effective six months from the date of its passage, and shall be posted within the Town of Portola Valley in three public places.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

Town Clerk

By: _____

Mayor

APPROVED AS TO FORM:

Town Attorney