



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: July 17, 2014
TO: Public Works & Facilities Committee
FROM: Linda Ruffing, City Manager
AGENDA ITEM TITLE: **Receive Report Regarding Amendment of Fort Bragg Municipal Code to Prohibit the Use of Polystyrene Foam Take-Out Packaging and Provide Direction to Staff**

ISSUE:

The City of Fort Bragg is considering an ordinance to regulate disposable food ware and prohibit the use of expanded polystyrene foam take-out packaging such as clamshells and cups. A substantial amount of the litter along roadsides, in waterways and on beaches is comprised of expanded polystyrene and non-recyclable plastic. The plastic waste causes significant environmental damage.

SUMMARY:

The proposed ordinance would ban expanded polystyrene and clear or rigid polystyrene single-use disposable containers. The ban would apply to containers intended for serving or transporting prepared, ready-to-eat food or beverages (such as cups, plates, trays, bowls, and hinged or lidded containers. The ordinance would not apply to single-use disposable food service items which are not used as food containers, such as straws, cup lids, and utensils.

To date, more than 80 California cities and counties have adopted such ordinances. Mendocino County and the City of Ukiah are both considering polystyrene foam packaging bans. The Board of Supervisors is expected to adopt an ordinance establishing a ban later this month. The County's ordinance includes the following modifications:

- 1) the effective date was revised to be March 1, 2015 (instead of 180 days from final adoption);
- 2) a section was added to allow affected entities to apply for a waiver to allow them to delay implementation for up to a year based on a finding of financial hardship (likely beneficiaries would be small businesses with an oversupply of polystyrene containers that could not be exhausted prior to implementation);
- 3) clarification was provided that the "food service provider" as defined in the ordinance, and not individual employees, would be subject to any citation for enforcement purposes.

Attachment 1 presents a draft ordinance regulating disposable food ware. Attachment 2 presents additional information.

RECOMMENDATION:

Staff recommends that the Committee receive the report, accept public comment, and make a recommendation to the City Council regarding whether to adopt an ordinance banning the use of Polystyrene Foam disposable take-out ware..

ATTACHMENTS:

1. Draft Ordinance Amendment
2. Additional information