

ORDINANCE NO. 1861-2011

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF BURLINGAME ADDING CHAPTER 8.10
TO THE BURLINGAME MUNICIPAL CODE
TO PROHIBIT FOOD VENDORS FROM USING
POLYSTYRENE BASED DISPOSABLE
FOOD SERVICE WARE**

The City Council of the City of Burlingame does ordain as follows:

Division 1. Factual background

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

WHEREAS the City 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 Burlingame. 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 the City Council finds that polystyrene-based, single-use food service ware consistently constitutes a substantial portion of the trash and litter found on the streets and in the storm drains within the City of Burlingame; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
BURLINGAME DOES ORDAIN AS FOLLOWS:**

Division 2. The Burlingame Municipal Code is hereby amended to add Chapter 8.10 to read as follows:

“Chapter 8.10. Prohibition of the Use of Polystyrene Based Disposable Food Service Ware by Food Vendors

Section 8.10.010. Adoption of San Mateo County Ordinance by Reference

Chapter 4.107 of Title 4 of the San Mateo County ordinance code, entitled “Prohibition on the Use of Polystyrene Based Disposable Food Service Ware by

Food Vendors”, and any amendment thereto, are hereby adopted by this reference and made part of the Burlingame Municipal Code and are, accordingly, effective in this city. Certified copies of Chapter 4.107 of Title 4, as adopted hereby, and any subsequent amendment, shall be deposited with the City Clerk, and shall be at all times maintained by the Clerk for use and examination by the public.

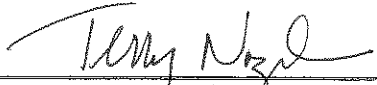
Section 8.10.020. Authorization of Enforcement By San Mateo County Personnel.

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.

Division 3. This ordinance shall be effective January 1, 2012.

Division 4. This ordinance is not subject to the California Environmental Quality Act because it is not a “project” which would have a direct physical change or a reasonably foreseeable indirect physical change on the environment pursuant to CEQA Guidelines section 15378. And, even if it were a project subject to CEQA review, this project would be exempt from CEQA pursuant to section 15307 [exemptions for actions to protect natural resources] , section 15308 [exemptions for actions to protect the environment], section 15378(b)(2) [exemption for policymaking], and 15183 [actions consistent with the general plan].


Division 5. This ordinance, or a summary as applicable, shall be published as required by law.



Terry Nagel, Mayor

I, Mary Ellen Kearney, City Clerk of the City of Burlingame, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 2nd day of May, 2011, and adopted thereafter at a regular meeting of the City Council held on the 16th day of May, 2011, by the following vote:

AYES: COUNCILMEMBERS: **BROWNRIGG, DEAL, KEIGHRAN, NAGEL**
NOES: COUNCILMEMBERS: **NONE**
ABSENT: COUNCILMEMBERS: **BAYLOCK**



Mary Ellen Kearney, City Clerk