

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, PROHIBITING THE POSSESSION OF POLYSTYRENE FOOD PACKAGING ON COUNTY PREMISES AND ADDING SECTION 19-20 TO THE SONOMA COUNTY CODE.

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The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Section 19-20 is added to the Sonoma County Code to read as follows:

**Sec. 19-20. Polystyrene Food Packaging.**

A. Purpose. The purpose of this ordinance is to decrease the use and presence of polystyrene products in order to promote the public health, reduce solid waste disposal and litter, protect air quality and the ozone layer, protect wildlife, livestock and the environment.

B. Findings. The Board of Supervisors does hereby find that:

(1) Current available evidence shows that polystyrene foam food or drink containers create or contribute to significant health and litter problems in the County of Sonoma.

(2) Polystyrene foam food or drink containers are an ubiquitous and light-weight source of litter. Because they are not biodegradable, they constitute a large portion of accumulated litter.

(3) The light weight of polystyrene containers enables them to fly into County waterways and livestock enclosures where they may be ingested causing illness or death to wildlife and domestic animals or livestock.

(4) Medical evidence exists suggesting that styrene, a toxic chemical, may leach into food or drink from polystyrene foam containers, jeopardizing the public health.

(5) Available evidence shows that blowing agents used in polystyrene foam manufacture damage the ozone layer protecting the earth from dangerous ultraviolet radiation and may create lower-level air pollution. While some polystyrene foam manufacturers have begun to use less dangerous blowing agents which are less damaging to the environment, air quality and ozone protection continue to be threatened.

(6) In addition polystyrene foam food containers present a solid waste management problem in Sonoma County. Such containers require solid waste disposal in County landfills, which may experience fires. Evidence suggests that uncontrolled incineration of polystyrene foam may release toxic emissions threatening air quality and public health. Complex chemical reactions may occur releasing potentially harmful emissions or leachate.

(7) The presence of polystyrene foam in the County's waste stream is particularly problematic because there is currently no market for the recycling of the polystyrene foam.

(8) Alternatives to polystyrene foam food or drink containers are readily available in the form of paper or nondisposable packaging.

(9) The collection of polystyrene litter and the disposal of polystyrene waste results in direct costs to the County.

(10) These findings are based on information and recommendations contained in the Director of Public Works' letter dated April 25, 1989 and the Public Health Officer's letter dated March 23, 1989.

(11) This ordinance is consistent with the Solid Waste Management Plan of the County of Sonoma, and the legislative intent and findings of the State of California Solid Waste Management and Resource Recovery Act of 1972. (Gov. Code § 66700 et seq.)

C. 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. "County premises" means all lands, water, buildings, or premises owned by or leased to the County of Sonoma.

D. Violations and Penalties. Any person who while on County premises 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).

E. Interpretation. Section 19-20 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 Board of Supervisors 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.

F. Exemptions. The Board of Supervisors 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 months of the effective date of this ordinance are exempt from the provisions of this ordinance. The Board of Supervisors or its authorized agent may exempt an item or type of packaging in its authorized agent may exempt an item or type of

packaging in the case of a County concessionnaire for a period not to exceed six months from the effective date of this ordinance.

SECTION II. 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 Board of Supervisors hereby declares that it would have passed this phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be said passage, with the names of the supervisors voting for or against the same, in \_\_\_\_\_, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the 23<sup>rd</sup> day of \_\_\_\_\_ May \_\_\_\_\_, 1989, and finally passed and adopted this 6<sup>th</sup> day of \_\_\_\_\_ June \_\_\_\_\_, 1989, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

HARBERSON \_\_\_\_\_ SMITH \_\_\_\_\_ ESPOSTI \_\_\_\_\_ CARPENTER \_\_\_\_\_ NICHOLAS \_\_\_\_\_

AYES 5 NOES \_\_\_\_\_ ABSTAIN \_\_\_\_\_ ABSENT \_\_\_\_\_

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

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Chair, Board of Supervisors of the  
County of Sonoma, State of  
California  
(signed by Janet Nicholas)

ATTEST:

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Eeve T. Lewis, County Clerk and ex-  
officio Clerk of the Board of  
Supervisors