

Chapter 8.15 – FOODWARE AND FOOD PACKAGING

8.15.010 - Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases are defined as follows:

“Expanded Polystyrene” or “EPS” means a thermoplastic petrochemical material utilizing the styrene monomer, including, but not limited to, polystyrene foam or expanded polystyrene processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, extrusion-blow molding (extruded foam polystyrene), and clear or solid polystyrene (oriented polystyrene).

“Food service provider” means any person or establishment that provides or sells prepared food or beverages on or off its premises within the Town, including:

1. A restaurant, café, coffee shop, fast-food restaurant, drive-through service, grocery store, supermarket, convenience store, delicatessen, cafeteria, farmers’ market vendor, or similar facility where prepared food is available for consumption on or off the premises;
2. Any mobile food facility, mobile food vendor, catering operation, food truck, or temporary food facility that provides prepared food;
3. Transient lodging facilities, including hotels, motels, and bed and breakfasts that provide prepared food, regardless of whether the prepared food is complementary or available for purchase by the consumer; and
4. Entities specified in California Health and Safety Code Sections 113789(a) and 113789(b).

For the purposes of this chapter, the definition of food service provider does not include the entities specified under Section 6.20.070.

“Foodware” means items used for containing, serving, or consuming prepared food, including cups, bowls, plates, trays, cartons, and boxes. Foodware does not include polystyrene egg cartons, meat trays, coolers, ice chests, or packing materials.

“Prepared food” means food or beverages that are prepared and served or provided by the food service provider using any cooking or food or beverage preparation technique and that are ready to consume, either on or off the food service provider’s premises, without further food or beverage preparation or repackaging. Prepared food includes “beverages” and “ready to eat food” as defined in California Health and Safety Code Sections 113739 and 113881, respectively. Prepared food does not include raw or uncooked whole fruits or vegetables that are not prepared

through chopping, squeezing, blending, mixing, or otherwise altered through food preparation; or, uncooked meat, poultry, fish, or eggs that are not intentionally provided for further consumption without food preparation.

“Single-use foodware accessory” means all of the following single-use items provided alongside ready-to-eat food:

1. Utensils, which is defined as forks, knives, spoons, and sporks
2. Chopsticks
3. Condiment cups and packets
4. Straws
5. Stirrers
6. Splash sticks
7. Cocktail sticks

“Standard Condiment” means relishes, spices, sauces, confections, or seasoning that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt pepper, sugar, and sugar substitutes.

“Town-affiliated event” means any event or activity that is sponsored or co-sponsored by the Town, is paid for, in part or full, using Town funds, occurs at Town facilities, or requires a special event permit pursuant to Section 17.56.040 of this code or other authorization from the Town.

“Town facilities” means any building, structure, facility, or park, leased, or operated by the Town, its agents, agencies, departments, and authorized designees. For purposes of this chapter, “Town facility” does not include Town-owned buildings, structures, property, parks, public spaces, or vehicles operated by an entity other than the Town pursuant to a lease or other contractual arrangement.

8.15.020 – Prohibition on expanded polystyrene (EPS) foodware. (Effective January 1, 2024)

- A. Food service providers shall not provide prepared food in foodware made of EPS.
- B. Food service providers shall comply with the requirements of this chapter for both on-premises and off-premises consumption of prepared food; and, for any method of ordering, including in-person, telephone, drive-through, self-serve, web, or other digital order, or through a third-party food delivery platform.
- C. For a period of one year from the effective date of this section, food service providers may apply to the Town Manager for a hardship exemption to be permitted to continue using one or more specific expanded polystyrene items for which the requirements of this section present an undue hardship or practical difficulty. Any hardship exemption granted will expire on or before December 31, 2024.

8.15.030 – Prohibition on expanded polystyrene (EPS) foodware at Town facilities and Town-affiliated events. (Effective January 1, 2024)

A. The procurement, use, or distribution of foodware that is made of EPS shall be prohibited at all Town facilities, and Town-affiliated events. Foodware accessories shall be distributed in accordance with Section 8.15.040 A.

B. The Town, its departments, agents, employees, or designees acting in their official capacity as representatives of the Town, shall not purchase or otherwise procure foodware that is made of EPS. Town funds utilized in any manner, including purchase orders and grant funding, shall not be used to purchase foodware that does not comply with the requirements of this chapter.

C. All special event permit applications required by Section 17.56.040 of this code, Town facility rental agreements, leases, vendor contracts, or other such approvals for applicable activities or services on Town property shall include a provision requiring the applicant to assume responsibility for complying with the requirements of this chapter.

8.15.040 – Single-Use Foodware Accessories and Condiments.

A. No food provider shall sell or otherwise provide plastic single-use foodware accessories or condiments except upon request.

B. The Town is the authorized enforcement agency for violations of Chapter 5.2 of Part 3 of Division 30 of the California Public Resources Code (Single-Use Foodware Accessories and Condiments). Such violations are subject to a fine of \$25 for each day in violation not exceeding \$300 per year, which shall be appealable pursuant to the procedures in chapter 2.04.070 of this code.

8.15.050 - Infraction.

Any person violating the provisions of this chapter is guilty of an infraction, which is punishable pursuant to the penalty provisions set forth in Chapter 1.12 of this code, unless otherwise provided in this chapter.