



DATE: December 14, 2021

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Food Service Ware Ordinance
(Second Reading)**

RECOMMENDATION

Adopt an Ordinance of the City of Mountain View Repealing and Replacing Article V of Chapter 16 of the Mountain View City Code Related to Food Service Ware, to be read in title only, further reading waived (Attachment 1 to the Council report). (First reading: 7-0)

SUMMARY

On November 9, 2021, the City Council introduced an ordinance regulating nonreusable food service ware and food service ware accessories. The ordinance's purpose is to reduce the amount of landfilled waste from single-use plastics, reduce plastic pollution in waterways and the ocean, and protect the health of community members from potentially harmful additives in single-use plastic and fiber-based food service ware. This ordinance implements part of the Phase 1 Foodware Packaging Reduction initiative outlined in the City's Zero Waste Plan, which provides a path to achieve the goal of diverting 90% of waste from landfill by 2030.

The recommended ordinance continues the City's ban on the use and sale of polystyrene foam food service ware and sale of foam ice chests or coolers. It further requires all nonreusable food service ware used by food providers to be made of compostable natural fiber and third-party certified free of per- and polyfluoroalkyl substances (PFAS) or made entirely of aluminum, which is recyclable. Additionally, the ordinance prohibits food providers from using nonreusable straws, stirrers, toothpicks, or food picks that are made from or packaged in plastic, including compostable plastics. These new regulations would take effect on January 1, 2023.

The introduced ordinance included a staff revision to Section 16.96, subsection a., to correct a typographical error.

FISCAL IMPACT

As presented to Council when the Zero Waste Plan was adopted on October 29, 2019, additional staffing resources are necessary to successfully carry out the short-, medium-, and long-term zero-waste initiatives, including implementation of this ordinance to address Phase 1 of the Foodware Packaging Reduction plan initiative. This additional staffing would be funded by the Solid Waste Fund and requested as part of the annual budget process for Fiscal Year 2022-23.

PUBLIC NOTICING

Agenda posting. The ordinance was published at least two days prior to adoption in accordance with City Charter Section 522.

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Attachment: 1. Food Service Ware Ordinance