



Planning & Building Department

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Chapter 5-8 FOOD PACKAGING RECYCLING

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5-801 Findings and purpose.

- a. Existing landfill space for the disposal of municipal solid waste is rapidly diminishing. The State of California, through its California Waste Management Act of 1989, Assembly Bill 939, requires that each local jurisdiction in the state divert 50-percent of discarded materials from landfills. The recycling of recyclable materials will help postpone the need for new landfill capacity, help the city meet its mandatory landfill diversion quotas and also reduce pollution and loss of resources which occurs when perfectly usable materials are discarded.
- b. Take-out food packaging constitutes a significant and growing portion of the material in the city's waste stream. An additional concern is that much of the non-recyclable take-out food packaging is made of polystyrene foam in which chlorofluorocarbons ("CFCs") were used as a blowing agent in the manufacturing process. Scientific evidence indicates a strong probability that CFCs, when discharged into the atmosphere, degrade the earth's ozone layer. There are substitutes for these polystyrene take-out food packaging products which do not use CFCs in their manufacture. Requiring that take-out food packaging be made of non-CFC processed material be recyclable, reusable or made of recycled materials is an essential part of an effective integrated solid waste management program for the citizens of the city and others working or doing business in the city.
- c. The health, welfare and safety of the people in the city are promoted by the use of returnable or recyclable materials in take-out food packaging and by the city-wide collection of recyclable waste materials. The purpose of this chapter is to mandate the collection and recycling of recyclable waste materials, establish a curbside recycling program to aid this requirement, and to reduce the use of take-out food packaging which is not reusable or recyclable.

5-802 Enforcement.

Adopted December 8, 2014

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* The City of Lafayette adopted sections of the Contra Costa County Ordinance Code by reference. This handout is intended to provide a user-friendly format for the rules and regulations for the City of Lafayette. For the complete ordinance, please use the City's [Online Municipal Code](http://www.lovelafayette.org) at: www.lovelafayette.org

The code enforcement officer or his designated representative is assigned the duty and responsibility of enforcing this chapter. The code enforcement officer or his designated representative may request written records or alternative evidence to demonstrate compliance with this chapter.

5-803 Voluntary phase-out period.

The city encourages the immediate, voluntary phase-out of take-out food packaging sold or offered at retail food establishments within the city, which is neither returnable, made of materials all of which are readily recyclable, nor made with a significant amount of post-consumer recycled material. The provisions of this article are voluntary until July 1, 2015. On or after July 1, 2015, the provisions of this article are mandatory without further notice.

5-804 Returnable and recyclable food packaging.

- a. On and after July 1, 2015, at least 50-percent by volume of each retail food establishment's packaging in which take-out food is sold or provided to customers or which is kept, purchased or obtained for this purpose shall be returnable or recyclable.

- b. On and after January 1, 2020, at least 75-percent by volume of each retail food establishment's packaging in which take-out food is sold or provided to customers or which is kept, purchased or obtained for this purpose shall be returnable or recyclable.

5-805 Prohibited food packaging.

On and after July 1, 2015, no retail food establishment shall purchase, obtain, keep, sell, distribute or otherwise use in its business any polystyrene CFC-processed take-out food packaging except as provided in Section 5-806.

5-806 Exemptions.

- a. Food packaging required to be purchased under an existing contract entered into prior to the effective date of the ordinance codified in this chapter is exempt from the provisions of this chapter.

- a. The city manager or designee may exempt a retail food establishment or a take-out food packaging material from the provisions of this article for a one-year period, renewable annually, upon proper written application and a showing of undue hardship or a showing that no appropriate substitute take-out food packaging is available. Such an application shall include a list of all food packaging suppliers or manufacturers contacted regarding the availability of substitute take-out food packaging.

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