ORDINANCE NO. 846

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING SECTION 8.72.070 (DISPOSABLE CUP CHARGE) OF CHAPTER 8.72
(REGULATING SINGLE-USE FOODWARE) OF TITLE 8 OF THE
FAIRFAX MUNICIPAL CODE

WHEREAS, the Town of Fairfax adopted Ordinance No. 838 Adding Chapter
8.72 entitled “Single-Use Foodware Reduction” to Title 8 (Health and Safety) of the
Fairfax Municipal Code on October 2, 2019; and

WHEREAS, the Town Council now wishes to amend Chapter 8.72 to clarify that
the 25-cent charge applies to all disposable cups;

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1. Paragraph (A) of Section 8.72.070 (Disposable Cup Charge) is amended
and restated as follows:

“(A) Food Vendors shall charge customers $.25 for every Disposable Cup
provided unless they are exempt under this section.”

All other provisions and definitions contained in Section 8.72.070 of the Fairfax
Municipal Code shall remain in full force and effect.

SECTION 2. Compliance with CEQA. This Ordinance was assessed in accordance
with the authority and criteria contained in the California Environmental Quality Act
(CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The
Town Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines,
this Ordinance is exempt from the requirements of CEQA because it can be seen with
certainty that the provisions contained herein would not have the potential for causing a
significant effect on the environment. The Town Council also finds the Ordinance is
exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307
and 15308 as an action by a regulatory agency taken to protect the environment and
natural resources.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause,
phrase, or portion of this Ordinance, or the application thereof to any person or place, is
for any reason held to be invalid or unconstitutional by a court of competent jurisdiction,
such decision shall not affect the validity of the remainder of this Ordinance. The Town
Council hereby declares that it would have adopted this Ordinance, and each and every
section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective
of the fact that any one or more sections, subsections, subdivisions, sentences, clauses,
phrases, or portions thereof be declared invalid or unconstitutional.
SECTION 4. Effective Date and Posting. This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women’s Club Building.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 5th day of February 2020, and duly adopted at the next regular meeting of the Town Council on the 4th day of March 2020, by the following vote, to wit:

AYES: ACKERMAN, GODDARD, HELLMAN, REED
NOES: None
ABSENT: COLER
ABSTAIN: None

RENEE GODDARD, Mayor

Attest:

Michele Gardner, Town Clerk 3/9/20

Date