

**ORDINANCE NO. 877**

**ORDINANCE OF THE TOWN OF FAIRFAX TOWN COUNCIL ADDING  
SECTION 8.16.030(C) REGARDING THE PROHIBITION ON  
POLYSTYRENE (EPS) FOAM COOLERS AND ICE CHESTS TO THE  
TOWN CODE**

**WHEREAS**, the Town desires to move the prohibition on polystyrene (EPS) foam coolers and ice chests from Section 8.72.080A prior to replacing Chapter 8.72 with the County of Marin's ordinance on foodware and place this prohibition in Section 8.16.030(C) with other regulations regarding polystyrene (EPS).

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:**

**Section 1.** The above recital is true and correct and is hereby incorporated into this Ordinance.

**Section 2.** Subsection (C) of Section 8.16.030 regarding the prohibition on the sale of polystyrene (EPS) foam coolers and ice chests is hereby added to the Fairfax Town Code, which shall now read as follows:

**“§ 8.16.030(C) For public health and safety purposes, the sale of polystyrene (EPS) foam coolers and ice chests is prohibited within the Town of Fairfax. Coolers and ice chests that do not have exposed polystyrene foam and that are designed for reuse are exempt from the provisions of this chapter.”**

**Section 3. CEQA.** The Town Council hereby determines that the adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. This Ordinance moves an existing prohibition on foam coolers and ice chests to a different location in the Town Code, and therefore does not propose nor authorize any action or specific project that would have the potential to cause a significant adverse effect on the environment.

**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.

The foregoing Ordinance was introduced at a meeting of the Town Council on the 1st day of March 2023, and duly adopted at the next regular meeting of the Town Council on the 5th day of April 2023, by the following vote, to wit:

AYES: Ackerman, Blash, Coler, Cutrano, Hellman  
NOES: None  
ABSENT: None  
ABSTAIN: None

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Chance Cutrano, Mayor

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Attest: \_\_\_\_\_  
Michele Gardner, Town Clerk