

ORDINANCE NO. 04469
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE AMENDING SECTIONS 4.106.010, 4.106.020, 4.106.030 AND
4.106.060 OF TITLE 4, CHAPTER 4.106 OF THE SAN MATEO COUNTY
ORDINANCE CODE REGULATING THE COUNTY'S USE OF DISPOSABLE FOOD
SERVICE WARE AND BOTTLED WATER**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. Subsection (d) of Section 4.106. 010 is amended and subsection (e) is added to Section 4.106. 010 of Chapter 4.106, Title 4 of the San Mateo County Ordinance Code and shall read as follows:

CHAPTER 4.106 REGULATING USE OF DISPOSABLE FOOD SERVICE WARE AND BOTTLED WATER.

4.106.010 Findings and purpose.

The Board of Supervisors finds and determines that:

(d) The employees of the County have access to some of the highest quality drinking water and the production and transport of bottled water has significant financial and environmental costs.

(e) This Board does, accordingly, find and declare that it should restrict the County's use of bottled water and polystyrene foam and solid disposable food service ware products and should require the replacement of non-biodegradable, non-compostable, non-reusable or non-recyclable food service ware with biodegradable, compostable, reusable, or recyclable food service ware products.

SECTION 2. Subsection (j) is added to Section 4.106. 020 of Chapter 4.106, Title 4 of the San Mateo County Ordinance Code and shall read as follows:

4.106.020 Definitions.

For purposes of this chapter, the following terms have the following meanings:

(j) "Bottled water" means any product, including natural spring or well water taken from municipal or private utility systems or other water, distilled water, deionized water, which are put into sealed bottles, packages or other containers.

SECTION 3. Subsection (c) is added to Section 4.106. 030 of Chapter 4.106, Title 4 of the San Mateo County Ordinance Code and shall read as follows:

4.106.030 Prohibited Use of non-recyclable plastic disposable food service ware and bottled water.

(c) No County department will purchase or otherwise acquire bottled water.

SECTION 4. Section 4.106.060 of Chapter 4.106, Title 4 of the San Mateo County Ordinance Code amended and shall read as follows:

4.106.060 Waiver of requirements.

(a) Request for waiver. A request for a waiver of the application of the requirements of this chapter shall include all information necessary to render a decision, including but not limited to documentation showing the factual support for the requested waiver. A waiver may be approved, in whole or in part, with or without conditions. Waivers based upon an emergency response and emergency storage are automatic and are granted without the submission of an application. For all contracts subject to Board of Supervisors' approval, the Board of Supervisors shall make the determination on the request for waiver. All other waiver requests shall be determined by the County Manager or his or her designee.

(b) Grounds for waiver. The requirements of this chapter may be waived for a contractor or a County department when it is determined that such waiver is in the best interests of the County. Reasons may include but not be limited to the following:

1. A waiver is necessary to respond to an emergency or for emergency storage.
2. No compliant contractors are capable of providing the goods or services that respond to the County's requirements.
3. It is determined that, under the specific circumstances, a suitable biodegradable, compostable, reusable or recyclable alternative does not exist and/or that that imposing the requirements of this chapter would cause significant economic hardship.
4. It is determined that, under the specific circumstances, a tap water source typically or normally used for the consumption of water is not available and no practical alternative to bottled water exists and/or that that imposing the requirements of this chapter would cause significant hardship.

SECTION 5. This Ordinance shall be effective July 1, 2009.

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Regularly passed and adopted this 19th day of May, 2009.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Marie L. Peterson, Deputy
Clerk of the Board of Supervisors

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