Capitola City Council

Agenda Report

Meeting: September 10, 2026

From: Public Works Department

Subject: Chapter 8.40: Capitola Municipal Code

Recommended Action: Adopt an ordinance amending Chapter 8.40 of the Capitola Municipal Code to remove the expiration language in Section 8.40.150(G).

Background: On September 3, 2026, the City Council held a special meeting to receive a report on the City of Capitola's participation in a regional program to collect unwanted medications and sharps waste. The City originally adopted its local program through Ordinance No. 1006 on September 8, 2016.. Staff recommended adoption of an urgency ordinance to ensure that the City's existing collection program remain in effect, and the introduction of a regular ordinance to supersede the urgency ordinance once the regular ordinance became effective. Both the urgency and regular ordinances remove language referring to an expiration of the program, ensuring that the program remains in effect until the legislative body wishes to end it.

At the September 3, 2026 special meeting, the City Council adopted the urgency ordinance and introduced and waived the first reading of the regular ordinance.

A link to the report provided at the September 3, 2026 meeting is included as Attachment 2.

The adopted code is intended to protect public health, safety, welfare, and the environment by providing for the safe and orderly collection and disposal of drug and sharps waste. The ordinance remains the basis for the City's approved stewardship program.

MED-Project USA is a non-profit organization that develops, implements, and operates safe, free, and compliant product stewardship programs for the disposal of household medicine and sharps, to help drug and sharps manufacturers comply with state and local legislation regarding product disposal. Since 2017, MED-Project has provided the City and our neighboring jurisdictions with product stewardship plans and receptacles for safe disposal. The Capitola program currently provides medication and sharps disposal services through four participating pharmacies, mail-back options, and a medication collection receptacle at City Hall.

Discussion: At the end of August 2026, City staff was contacted by Santa Cruz County staff reporting the county-wide safe drug and sharps disposal ordinances expired this late summer and fall, and that neighboring cities and the County had experienced seizure of MED-Project collection facilities due to the expiration. Staff from the County encouraged the City to take action to maintain the City's program and keep drop off facilities available to all residents.

Staff reviewed the ordinance and governing statutes and found no apparent state preemption issue with keeping Chapter 8.40 in place, provided the ordinance remains in continuous effect.

Removing only the 10-year sunset provision in Section 8.40.150(G) would not repeal Chapter 8.40. Instead, deleting that sentence would keep the same 2016 ordinance continuously in force. Under that approach, the City's program would remain a pre-2018 local program rather than a new ordinance subject to state preemption.

Fiscal Impact: There is no direct fiscal impact associated with removing the expiration language. Chapter 8.40 requires producers, groups of producers, or stewardship organizations to pay administrative and operational costs associated with the product stewardship program, including City administration and enforcement costs as provided in the chapter.

Attachments:

1. Proposed Ordinance
2. September 3, 2026, Staff Report: https://mccmeetings.blob.core.usgovcloudapi.net/capitolaca-pubu/MEET-Packet-f68a21b6877d4620a598bbaed2c257fd.pdf

Alignment with 2025-2029 Strategic Plan Priority: Accountable Government; Community Safety; Healthy Families, Community, and Environment

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