



Office of the Town Manager
Judson Rex

Warrenton Town Council

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STAFF REPORT

Council Meeting Date:	September 8, 2026
Agenda Title:	Town Code Amendment – Prohibition of Expanded Polystyrene Containers
Requested Action:	Hold the Work Session
Department / Agency Lead:	Community Development
Staff Lead:	Rob Walton, Director of Community Development

EXECUTIVE SUMMARY

Beginning on July 1, 2025, Section 10.1-1424.3 of the State Code prohibits food vendors from dispensing prepared food to a customer in an expanded polystyrene food service container. This Town Code Text Amendment adds Sections 11-78 through 11-81 as it relates to the prohibition of dispensing prepared foods in polystyrene containers, exemptions, enforcement procedures and definitions. The statewide prohibition has been in effect for over a year.

Once the work session is complete, this item will be placed on the next Public Hearing agenda.

Background

Beginning on July 1, 2025, Section 10.1-1424.3 of the State Code prohibits food vendors from dispensing prepared food to a customer in an expanded polystyrene food service container. This Town Code Text Amendment adds the prohibition to the Town Code and includes additional sections on Exemptions, Enforcement Procedures, and Definitions. It does not appear that many food vendors continue to use polystyrene containers, however, the addition of the regulations to the Town Code gives the Town the ability to fairly administer the discontinuation of these products per State Code. The Circuit Court can assess a civil penalty of fifty (\$50.00) for each day the violation continues.

The granting of waivers/extensions and local enforcement is the responsibility of the locality. There are steps in the business license process where the prohibition of expanded polystyrene containers use can be passed along to the food vendors. These key points of interaction include:

- The application for a new/renewal of a business license;
- Annual Fire Safety Inspection
- Courtesy discussion if a complaint is received

The locality has the ability to grant an exemption for up to one (1) year if the food vendor can show that the prohibition would cause an undue economic hardship. The justification for the exemption request will need to include the food vendor has no reasonable alternative for using the expanded polystyrene containers, and compliance would cause the food vendor significant economic hardship.

Lastly, as part of this program, the Town will need to provide information on its website on how to comply with this the State/Town Code. The information must also include how to file a complaint for a violation of the regulations.

STAFF RECOMMENDATION

Town Council should review the proposed Town Code Text Amendment and provide guidance on whether the proposed Code amendment meets the desired Town Council policy for administering the State Code provision. Staff recommends conducting the work session and holding the Public Hearing at the next available meeting.

Service Level/Collaborative Impact

Adoption of the Town Code Text Amendment will set forth the policy and administration of the program that prohibits the use of expanded polystyrene containers. The new Code will also set forth the process to grant exemptions and enforcement. Ultimately, this proposed Town Code Text Amendment will bring the Town Code into compliance with the State Code by prohibiting the use of polystyrene containers by food vendors.

Fiscal Impact

There could be a fiscal impact to the food vendors who have purchased polystyrene containers for use by the business. There is an exemption process which is valid for 1 year, if granted, this would allow the food vendor to continue using the polystyrene containers if the food vendor can justify there is an undue economic hardship by discontinuing the use of these containers.

Legal Impact

There is no legal impact associated with the Town Code Text Amendment. This proposal has been reviewed by the Town Attorney and aligns with his recommendations.

ATTACHMENTS

1. Draft Town Code Text Amendment – Sections 11-78 through 11-81.