

Total Ban of Polystyrene Foam Containers

Chapter 14 “Businesses” of the Code of Ordinances, City of Belfast, Maine, is hereby amended to add an additional Article VII and to read as follows:

Section 14-329 to 350 Reserved

Article VII. Ban on the use of Polystyrene Foam in situations involving take out foods or beverages.

Section 351. Purpose of the Article

The City Council finds as follows:

- (1) The City of Belfast has a duty to protect the natural environment and the health of its citizens and visitors; and
- (2) Polystyrene Foam Containers and packaging have a harsh environmental impact on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife and solid waste generation; and
- (3) It is in the best interest of the citizens of Belfast to reduce the cost of City solid waste disposal and to protect the environment and natural resources by discouraging the distribution and use of disposable, Polystyrene Foam Containers such as cups, bowls, plates and food containers, and to encourage use of other biodegradable food containers associated with all take out foods; and
- (4) The City, through its policies, programs and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the State waste management hierarchy to reduce, reuse, recycle, compost and landfill.

Section 352. Definitions.

As used in this Ordinance the following terms have the following meanings:

Polystyrene Foam Container means and includes any form of container made from blown polystyrene and expanded and/or extruded foams (sometimes referred to as “Styrofoam”, A Dow Chemical Company trademarked form of polystyrene foam), which are derived from thermoplastic petrochemical materials utilizing a

styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene) injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make such things as cups, bowls, plates, trays, clamshell containers, prepared food take-out containers, meat trays, and egg cartons. For the purposes of the Ordinance, the term polystyrene shall not include clear polystyrene known as “oriented polystyrene,” as used for such things as cake or pie containers. This definition shall not include Polystyrene Foam Containers solely used to transport raw and/or uncured meats, poultry or fish and uncooked eggs from or to a wholesale commodity or food supplier.

Store means all retail vendors and establishments, including but not limited to convenience stores, bars, restaurants, sellers of food, which sell, give or provide food, drink to the ultimate consumer for personal use, and not for resale.

Section 353. Prohibition on Takeout Food and Beverage Containers.

- (a) No retail vendor or a Store shall serve, sell, give or provide food or beverage contained in a Polystyrene Foam Container to any person.

Section 354. Violations and Enforcement.

The City Manager or his/her designee(s) shall have the primary responsibility for the enforcement of this Ordinance. If the City Manager or his/her designee(s) determines that a violation of this article has occurred, he/she shall issue a written warning Notice to the Store that the violation has occurred and request compliance with this Ordinance within 7 days of the date of the Notice. Subsequent violations of this Ordinance after an initial warning Notice shall be subject to the penalties set forth below.

Violations of this Ordinance shall be punishable by fines and reimbursement of the City’s legal fees for the enforcement and prosecution of this ordinance, as follows:

- (i) A fine not exceeding \$100 for the first violation in a one year period;
- (ii) A fine not exceeding \$250 for the second and each subsequent violation in a one year period; and,

(iii) Reimbursement of the City's legal fees and costs for prosecution of each violation.

Section 355. Permitted Polystyrene Foam Containers

Nothing in this Article shall be construed to prohibit customers from using containers of any type that the customer owns and brings to the retail vendor or into the Store for their own use in carrying away food, or beverage from the Store.

Section 354. Effective Date

The provisions of this Ordinance shall become effective on May 4, 2018.

