

**MUNICIPAL OFFICERS' CERTIFICATION OF OFFICIAL TEXT OF A PROPOSED  
ORDINANCE  
[30-A M.R.S.A. § 3002(2)]**

To Katrina Oakes, Clerk:


I, hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "amend Chapter VI Miscellaneous Ordinances to add a new proposed Ordinance "Prohibition on Polystyrene Containers"

This proposed ordinance will ban all retailers in Camden from serving or selling all prepared food in polystyrene foam containers and the Town of Camden from using polystyrene foam containers at any Town or Town Department event"

This is being presented to the voters for their consideration at secret ballot voting on Tuesday, meeting to be held on November 6, 2018.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: September 4, 2018

  
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Robert Falciani, Select Board Chair

## TOWN OF CAMDEN

### Chapter VI-21 Miscellaneous Ordinances Prohibition on Polystyrene Containers

#### Section 1—Purpose

Polystyrene foam is a petroleum-based plastic made from the styrene monomer. A lightweight, good insulator, polystyrene is largely air. Many products use polystyrene to either keep items warm or cold, or use the product to pack and ship items safely. Polystyrene is not easily recycled and when littered or discarded, creates undesirable impacts on water quality, stormwater, and wildlife, especially since it disintegrates easily into small particles and becomes difficult to retrieve. There are alternatives that are reusable, recyclable or compostable, which are already on the market and readily available. In keeping with this it is anticipated that substitute local packaging is expected to be of locally recyclable materials; and that this wording change will be reviewed by the Town Attorney for accuracy.

Therefore, Camden, Maine, hereby adopts a ban on polystyrene to support the Purpose described above, and the Town finds that:

- Camden is located on Penobscot Bay, an area known worldwide for its natural beauty, fish and other wildlife;
- Camden has an obligation to maintain and preserve the area's special natural environment; and,
- Maintenance of Camden as litter-free as possible is important to protect and preserve its natural environment and enhance the quality of life for residents and visitors.

This Ordinance will serve the public interest by reducing the amount of non-biodegradable waste and littering in Camden. In keeping with this, it is anticipated that a portion of any substitute packaging is expected to be composed of biodegradable material in whole or in part.

#### Sec 2—Definitions

As used in this Article, the following terms shall have the following meanings:

“Food Packager” means any person located within Camden who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

“Prepared food” means food or beverages which are served at the food vendor's location having been previously prepared elsewhere or are prepared at the vendor's location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing.

“Prepared food” may be eaten either on or off premises.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam®, a Dow Chemical Company trademarked form of polystyrene foam insulation) that are 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 cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this Article, the term “polystyrene” shall not include clear polystyrene known as “oriented polystyrene.”

“Retail Vendor” means any person, restaurant, store, shop, sales outlet, or other establishment, including, without limitation, a grocery store, convenience store or a delicatessen, located within Camden and that offers prepared food for retail sale.

### **Sec. 3—Prohibitions**

- A. No retail vendor in Camden shall serve or sell prepared food in polystyrene foam containers and no food packager shall package meat, eggs, bakery products, or other food in polystyrene foam containers.
- B. No retail vendor in Camden that sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.
- C. Camden shall not use polystyrene foam food or beverage containers at any Camden facility or Camden-sponsored event.
- D. No Camden department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- E. All parties who contract with Camden shall be prohibited from using polystyrene foam food and beverage containers in Camden facilities or on Camden-funded projects within Camden.

### **Sec. 4—Exemptions**

A. A retail vendor or food packager that is currently existing or is established in Camden before the effective date of this Article may be exempted from the provision of this Article prohibiting the use of polystyrene foam for a period of time to be determined by the Camden town manager or his/her designee if the retail vendor or food packager requests an exemption in writing from the town manager and demonstrates to the Camden town manager or his/her designee that compliance with the provision constitutes undue hardship for the retail vendor or food packager. Undue hardship includes, but is not limited to, situations unique to the food vendor that are not generally applicable to other retail vendors or food packagers in similar circumstances. The Camden town manager or his/her designee shall make a written decision on each exemption request.

B. Retail vendors, food packagers, Camden departments, Camden facilities, and Camden contractors are exempt from the provisions of this Article in a situation deemed by the Camden town manager, in his/her sole discretion, to be an emergency for the immediate preservation of the public health, safety, or welfare.

### **Sec. 5—Violations and Enforcement**

The Camden Police Chief or his/her designee shall have the primary responsibility for enforcement of this Article. If the Police Enforcement Official determines that a violation of this Article has occurred, he/she shall issue a written warning Notice to the retail vendor or food packager describing violation has occurred, and Ordering it to cease within 7 days. Subsequent violations of the Article after failure to cease the violation(s) shall be subject to the penalties set forth below.

Violations of this Article shall be civil violations which shall be punishable as follows:

- (a) A fine not exceeding \$250 for the first violation;
- (b) A fine not exceeding \$500 for the second and each subsequent violation;
- (c) Payment of the Town's legal fees for prosecution of each violation; and.
- (d) Violators shall be subject to such injunctive relief as is reasonably necessary to prohibit future violations of any person or entity found in violation of this ordinance..

### **Sec. 6—Effective Date.**

- (a) This Article shall become effective on April 1, 2019.

(NOTE: Trigger mechanisms like these in Article 6 (b) and (c) are not favored. It can be confusing to have the Select Board repeal what he votes have approved and it can be seen as an unalwful

delegation of legislative power. When the Ordinance becomes obsolete, the best thing to do is have the voters repeal it.)

**Sec. 7—Severability**

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.