

## **Ban on Use of Expanded Polystyrene Foam for All Takeout Food and Beverage Businesses Ordinance**

The Code of Ordinances, Town of Rockport, Maine, is hereby amended to add an additional article as follows:

Ban on the use of Expanded Polystyrene Foam in situations involving takeout food or beverages.

### Section 1. Purpose of the Article

1. The Town has a duty to protect the natural environment; and
2. Expanded Polystyrene Packaging has a harsh environmental impact on a local and global scale, including greenhouse gas emissions, litter, and harm to wildlife; and
3. It is in the best interest of the citizens of Rockport to protect the environment and natural resources by prohibiting the distribution and use of disposable Expanded Polystyrene cups, plates, bowls, coolers, and food containers and to require the use of food containers made of other materials associated with all takeout foods defined in this section; and
4. The Town through its policies, programs, and laws supports efforts to reduce the environmental impact of waste by supporting the State waste management hierarchy to reduce, reuse, recycle, compost, and landfill.

### Section 2. Definitions

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

**Expanded Polystyrene packaging** means any containers, including coolers, that are made of expanded polystyrene foam and used to package both food and beverage for both onsite and offsite consumption. It does not include Expanded Polystyrene meat trays or other Polystyrene packaging used to transport raw and/or uncured meat, poultry, and fish from all food stores.

**Store** means all retail establishments, including but not limited to convenience stores, restaurants, sellers of food merchandise sold to the ultimate consumer for direct use or consumption and not for sale.

### Section 3. Violations and Enforcement

The Town Manager and his/her designee(s) shall have the primary responsibility for the enforcement of this Ordinance. For the first six months following the implementation of the Ordinance, the Town Manager shall issue verbal warnings to Stores in violation of the Ordinance. Following this six month period, if the Town Manager and his/her designee(s) determine a violation of this article has occurred, he/she shall issue a written Notice to the Store and request compliance with this Ordinance within ten days of the issuance of the Notice. Subsequent violations after the initial warning Notice shall be subject to the penalties put forth below.

Violations of this Ordinance shall be punishable by fines and reimbursed legal fees as follows:

1. A fine not exceeding \$250 for the violation for each year of noncompliance; and
2. Reimbursement of the Town's legal fees and costs for prosecution of each violation.

### Section 4. Permitted Expanded Polystyrene containers

Nothing in this Article shall be construed to prohibit customers from using containers of any type that the customer owns. Customers will not be in violation if they bring their own container of any type to use in carrying away food from the Store.

### Section 5. Effective Date

The provisions of this Ordinance shall become effective on January 1, 2019.