

CITY OF SACO CODES
Chapter 160: Prohibited Products
Article I: Polystyrene Foam Containers

[Adopted 9-19-2016]

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§ 160-1 Definitions.

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

FOOD PACKAGER

Any person who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

POLYSTYRENE FOAM

Includes blown polystyrene and expanded and extruded foams (sometimes referred to as "Styrofoam®," a Dow Chemical Company trademarked form of polystyrene foam insulation) which 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 chapter, the term "polystyrene" shall not include clear polystyrene known as "oriented polystyrene."

PREPARED FOOD

Food or beverages that 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" does not mean raw, uncooked meat or eggs. Prepared food may be eaten either on or off premises.

RETAIL VENDOR

Any person, restaurant, store, shop, sales outlet or other establishment, including, without limitation, a grocery store, convenience store, or a delicatessen.

§ 160-2 Prohibitions.

- A. No retail vendor shall serve or sell prepared food or drinks in polystyrene foam containers and shall not package consumable liquids, meat, eggs, bakery products or other food or food products in polystyrene foam containers.
- B. No party shall package consumable liquids, meat, eggs, bakery products or other food or food products in polystyrene foam containers for sale or use in the City.
- C. No retail vendor that sells food products or consumable liquids at retail shall use polystyrene foam food or beverage containers.
- D. The City shall not use polystyrene foam food or beverage containers at any City facility or City-sponsored event.

- E. No City department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- F. All parties who contract with the City are prohibited from using polystyrene foam food and beverage containers in, on, or within City facilities and projects.

§ 160-3 Exemptions.

- A. The sale and packaging of raw and live seafood is exempt from the provisions of this chapter.
- B. Retail vendors and food packagers that are currently existing or are established in the City by the effective date of this article will be exempted from the provisions of this article prohibiting the use of polystyrene foam for one year, absent a showing of undue hardship. Undue hardship includes, but is not limited to, situations unique to the food vendor and not generally applicable to other persons in similar circumstances. In no event may a hardship extension run longer than two years in total.
- C. Retail vendors, food packagers, City departments, City facilities, and contractors shall be exempt from the provisions of this chapter in a situation deemed by the City Administrator to be an emergency for the preservation of the public peace, health, or safety.
- D. Retail vendors that receive items prepackaged in polystyrene foam food or beverage containers that have been packaged outside the City of Saco may resell such items without repacking those items and such use or sale shall not constitute a violation of this article.

§ 160-4 Violations and penalties; enforcement.

The Code Enforcement Officer or his/her designee(s), or other official designated by the City Administrator shall have the primary responsibility for enforcement of this chapter. If the Code Enforcement Officer or his/her designee(s), or other official designated by the City Administrator, determine(s) that a violation of this article has occurred, he/she shall issue a written warning notice to the food vendor that a violation has occurred. Penalties for violation of this chapter shall be as set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix A to this Municipal Code of Ordinances.[1] *[no link]*
[1] Editor's Note: The current schedule is on file in the office of the City Clerk.

§ 160-5 Effective date.

Enforcement of this article shall begin on October 19, 2016.

§ 160-6 Severability.

If any part or provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this 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.