

Total Ban on use of Expanded Polystyrene Foam for all takeout food and beverage businesses Ordinance.

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 Expanded Polystyrene Foam in situations involving take out foods or beverages.

Section 351. Purpose of the Article

The City Council finds as follows:

- (1) The Council has a duty to protect the natural environment and the health of its citizens and visitors; and
- (2) Expanded Polystyrene Foam packaging has 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, Expanded Polystyrene Foam cups, bowls, plates and food containers and to encourage use of other biodegradable food containers associated with all take out foods as defined in this section; 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:

Expanded Polystyrene Foam container means any Expanded Polystyrene Foam food container that is made of Expanded Polystyrene Foam and used to package both food and beverage for onsite or offsite consumption. It does not include

Expanded Polystyrene Foam meat trays used to transport raw and/or uncured meats, 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 resale.

Section 353. Restrictions on Takeout Food and Beverage Containers.

- (a) Except as provided in this Section, no store (as defined above) Shall sell, give or provide an Expanded Polystyrene Foam food container to a customer.

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 reimbursed legal fees 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 Expanded Polystyrene Foam

Nothing in this Article shall be construed to prohibit customers from using containers of any type that the customer owns and brings 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 January 1, 2018.