

Memo

To: Infrastructure Committee

From: Dana Wardwell

cc: Catherine Conlow; John Theriault

Date: 1/24/17

Re: Styrofoam & Plastic Bags

The Committee decided at the last Infrastructure Committee meeting that they needed more information on plastic bag as well as paper bag programs that charge a fee as well as outright bag bans. To provide Council with more information on this subject, Ryan Parker agreed to address the Committee. Ryan Parker, the Environmental Policy Outreach Coordinator for the Natural Resources Council of Maine will give a short presentation and take questions.

Staff needs further direction from the Committee to proceed on this issue.

The Committee also asked staff to prepare a draft of an ordinance to ban Styrofoam food containers. Legal has drafted the attached ordinance for your consideration. If this draft meets the approval of the Committee, it should be moved to the full Council for first reading.



CITY OF BANGOR

(TITLE.) Ordinance, Amending the Code of the City of Bangor to Add Chapter 266 – Polystyrene

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT

The Code of the City of Bangor is amended to add Chapter 266 as follows:

Chapter 266 POLYSTYRENE

§ 266-1 Findings and Purpose.

- (1) Polystyrene foam is a petroleum-based, lightweight plastic material sometimes used as food service ware by retail food vendors operating in the City of Bangor.
- (2) The City of Bangor desires to protect the natural environment.
- (3) There is no economically feasible means of recycling polystyrene foam locally.
- (4) Disposable food containers made from polystyrene foam constitute a portion of the litter in Bangor's streets, parks and public places that increases city maintenance costs.
- (5) Polystyrene foam is a common pollutant that fragments into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus harming or killing them.
- (6) The State of Maine has banned the service of food and beverages in polystyrene foam containers at facilities or functions of the State or its political subdivisions (38 M.R.S. §§ 1651-1654).
- (7) The City's goal is to replace polystyrene foam food containers with reusable, recyclable or compostable alternatives.
- (8) Such alternatives are readily available.

§ 266-2 Definitions.

As used in the Chapter the following terms have the following meanings:

“Food Packager” means any person located within the City of Bangor 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” does not mean raw uncooked meat or eggs. 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 Syrofoam®, 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.”

“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 the City of Bangor which offers prepared food for retail sale.

§ 266-3 Prohibited Acts.

- (a) No retail vendor in the City of Bangor shall serve or sell prepared food and no food packager shall package meat, eggs, bakery products or other food in polystyrene foam containers.
- (b) No retail vendor in the City of Bangor who sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.
- (c) The City shall not use polystyrene foam food or beverage containers at any City facility or City-sponsored event.
- (d) No City department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- (e) All parties who contract with the City shall be prohibited from using polystyrene foam food and beverage containers in City facilities or on City-funded projects within the City.

§ 266-4 Exemptions.

- (a) The sale and packaging of raw seafood is exempt from the provisions of this Chapter.
- (b) Retail vendors, food packagers, city department, city facilities and contractors shall be exempt from the provisions of this Chapter, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety.

§ 266-5 Violations and enforcement.

The City Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Chapter. If the City Manager or his/her designee(s) determine(s) that a violation of this Chapter has occurred, he/she shall issue a written warning giving notice to the food vendor that a violation has occurred. Subsequent violations of the Chapter shall be subject to the penalties set forth below.

Violations of this Chapter shall be punishable by fines as follows:

- (a) A fine not less than \$100 nor more than \$250 for the first violation in a one-year period;
- (b) A fine not less than \$250 nor more than \$500 for the second and each subsequent violation in a one-year period.

§ 266-6 Effective Date.

- (a) This Chapter shall become effective on _____

§ 266-7 Severability.

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

Additions are underlined. Deletions are ~~struck through~~.