

EXPANDED POLYSTYRENE FOAM FOOD SERVICE CONTAINER ORDINANCE

1. PURPOSE:

It is in the best interests of the citizens of and visitors to the Town of Blue Hill to protect the environment and natural resources of the Town and the State of Maine and the bodies of water within and adjacent to the Town by prohibiting the use and distribution of polystyrene food service containers.

Therefore the purpose of this Ordinance is to ban the use of polystyrene food service containers to reduce litter, to minimize impact on the Town Transfer Station while increasing recyclables and to reduce the environmental impact caused by the use of polystyrene food service containers.

2. AUTHORITY:

This Ordinance is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Article VIII, Part 2, Section 1, the provisions of Title 30-A M.R.S. Chapter 141, and the general power of municipalities to enact police power ordinances.

3. DEFINITIONS:

CONSUMER: An individual who purchases or accepts food or beverage for consumption.

ESTABLISHMENT: A person or entity engaging in the sale or distribution of food or beverages to consumers. This includes retail vendors of food or beverages, restaurants, producers, schools, hospitals, religious institutions, governmental institutions, granges, community centers, markets, temporary and/or seasonal vendors and on-site events.

EXPANDED POLYSTYRENE FOOD SERVICE CONTAINER: Any expanded polystyrene foam food container that is made, in whole or in part, of expanded polystyrene foam and used to package or contain food or beverage for onsite or offsite consumption. .

4. RESTRICTIONS:

A. No Establishment shall sell, give or provide an Expanded Polystyrene Food Service Container to a consumer.

B. No party shall package food or beverages in the Town of Blue Hill in containers composed in whole or in part of Expanded Polystyrene Foam, for sale or use.

C. No party shall sell or distribute containers for food or beverage composed in whole or in part of Expanded Polystyrene Foam within the Town of Blue Hill.

5. EXEMPTIONS:

- A. Items pre-packed in polystyrene foam food or beverage containers, packaged outside the Town of Blue Hill, may be sold without repackaging those items.
- B. An Establishment shall be exempt from the provisions of this Ordinance in a situation deemed to be an emergency by the Town Select Board, for the immediate preservation of the public health and safety.

6. VIOLATIONS AND ENFORCEMENT

- A. The Code Enforcement Officer or his/her designee shall have the primary responsibility of the enforcement of this Ordinance. If the CEO determines that a violation of the Ordinance has occurred, a written warning notice shall be issued to the Establishment. Subsequent violations shall be subject to the penalties set forth below.
- B. Violations of this Ordinance shall be punishable by fines as follows:
 - 1. A fine not exceeding \$100 for the first violation in a one year period.
 - 2. A fine not exceeding \$200 for the second and each subsequent violation in a one year period. Each day that a violation occurs shall be considered a subsequent violation.
 - 3. Fines are payable within 15 days of receipt of written notice of violation.

7. APPEALS

Any decision, action, or inaction pertaining to this Ordinance may be appealed to the Maine Superior Court (Hancock County) within 30 days of the decision, action or inaction.

8. SEVERABILITY

In the event any portion of this Ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining portions of the Ordinance shall remain in effect.

9. EFFECTIVE DATE

This ordinance shall take effect four (4) months following its adoption by vote of a Town Meeting to allow Establishments time to make adjustments necessary to bring their operations into compliance with this Ordinance.