

ROCKLAND POLYSTYRENE ORDINANCE

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Section 14-107: Ban on use of Expanded Polystyrene Foam for All Takeout Food and Beverage Businesses.

1. Purpose

It is in the best interests of the City of Rockland to protect the environment and our 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. Expanded Polystyrene Foam packaging has harsh environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, and solid waste generation

The purpose of this Section is to:

- a. Reduce litter arising from Expanded Polystyrene Foam.
- b. Reduce taxpayer expense to clean-up or manage litter,
- c. Reduce the environmental impact of their manufacture, transportation and disposal.
- d. Create an informed citizenry about the impact of Expanded Polystyrene Foam in the environment
- e. Encourage a culture of sustainability and discourage one of disposability.

2. Authority

This Section 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. Section 3001 et Seq, as well as the general powers of municipalities to enact other ordinances.

3. Words and Phrases Defined:

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

- a. Expanded Polystyrene Foam container means any container that is made of Expanded Polystyrene Foam and used to package either food or beverage for onsite or offsite consumption. It does not include Expanded Polystyrene Foam meat trays containers used to transport raw and/or uncured meats, poultry, and fish and seafood from all Stores.
- b. 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.

4. Restrictions on Takeout Food and Beverage Containers.

No store as defined above shall sell, give or provide an Expanded Polystyrene Foam food container to a customer.

5. Violations and Enforcement

The City Manager or designee(s) shall have the primary responsibility for the enforcement of this Section. If the City Manager or designee(s) determines that a violation of this section has occurred, he/she shall issue a written warning Notice to the Store that the violation has occurred and request compliance with this Section within 7 days of the date of the Notice. Subsequent violations of this Section after an initial warning Notice shall be subject to the penalties set forth in Sec. 14-115

6. Permitted Expanded Polystyrene Foam

Nothing in this Section 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.

7. Effective Date.

The provisions of this Ordinance shall become effective January 1, 2019. Eff: 04/11/18

Note: Section 14-115: Fees; Enforcement; Violations; Penalties

...Whoever violates the provisions of Sec. 14-106 or Sec. 14-107 specifically, shall be punishable by penalties and reimbursement of legal fees and costs as follows:

- (i) A penalty not exceeding \$100 for the first violation in a one year period;
- (ii) A penalty 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.

(NOTE: The provisions of the preceding paragraph will become effective January 1, 2019) Eff: