

**CITY OF BALTIMORE  
COUNCIL BILL 08-0061  
(First Reader)**

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Introduced by: Councilmembers Kraft, Henry, Curran, Clarke

Introduced and read first time: March 3, 2008

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental Control Board, Commission on Sustainability

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Establishments – Polystyrene Products**

3 FOR the purpose of prohibiting food service establishments from using certain polystyrene  
4 products under certain circumstances; defining certain terms; and providing for a special  
5 effective date.

6 BY repealing and reordaining, without amendments

7 Article - Health

8 Section(s) 6-101(c), 6-801, and 6-802

9 Baltimore City Revised Code

10 (Edition 2000)

11 BY adding

12 Article - Health

13 Section(s) 6-507

14 Baltimore City Revised Code

15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 1 - Mayor, City Council, and Municipal Agencies

18 Section(s) 40-14(e)(7)(Title 6)

19 Baltimore City Code

20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
22 Laws of Baltimore City read as follows:

23 **Baltimore City Revised Code**

24 **Article – Health**

25 **Title 6. Food Service Facilities**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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***Subtitle 1. Definitions; General Provisions***

**§ 6-101. Definitions.**

(c) *Food service facility.*

(1) *In general.*

“Food service facility” means any place in which, with or without charge:

(i) food is prepared for sale or service on the premises or elsewhere; or

(ii) food is manufactured, processed, stored, packaged, handled, distributed, or sold.

(2) *Exclusions.*

“Food service facility” does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.

***Subtitle 5. Miscellaneous Regulations***

**§ 6-507. POLYSTYRENE PRODUCTS PROHIBITED.**

(A) *“AFFORDABLE ALTERNATIVE” DEFINED.*

IN THIS SECTION, “AFFORDABLE ALTERNATIVE” MEANS AN ALTERNATIVE ITEM THAT CAN BE PURCHASED FOR NOT MORE THAN 120% OF THE PURCHASE PRICE FOR THE ITEM MADE OF POLYSTYRENE.

(B) *PROHIBITION.*

NO FOOD SERVICE FACILITY MAY USE ANY CUP, PLATE, DISH, BOWL, CONTAINER, OR SIMILAR ITEM MADE FROM POLYSTYRENE UNLESS NO AFFORDABLE ALTERNATIVE EXISTS FOR THE ITEM.

(C) *COMMISSIONER TO MAINTAIN LISTS.*

THE HEALTH COMMISSIONER MUST ADOPT AND REGULARLY UPDATE A LIST OF AFFORDABLE ALTERNATIVES AVAILABLE FOR THE ITEMS PROHIBITED BY THIS SECTION.

***Subtitle 8. Penalties***

**§ 6-801. Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {“Environmental Control Board”}.

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1 (b) *Process not exclusive.*

2 The issuance of an environmental citation to enforce this title does not preclude pursuing  
3 any other civil or criminal remedy or enforcement action authorized by law.

4 **§ 6-802. Penalties.**

5 (a) *In general.*

6 Any person who violates any provision of this title or of a rule or regulation adopted  
7 under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties  
8 specified in this section.

9 (b) *Basic penalty: \$1,000.*

10 Except as specified in subsection (c) of this section, the penalty for a violation is a fine of  
11 not more than \$1,000 for each offense.

12 (c) *Operating without or in violation of license: \$1,000 and 12 months.*

13 (1) For operating a food service facility without a license or in violation of the terms of a  
14 license, the penalty is a fine of not more than \$1,000 or imprisonment for not more  
15 than 12 months or both fine and imprisonment for each offense.

16 (2) Each day that a violation continues is a separate offense.

17 **Article 1. Mayor, City Council, and Municipal Agencies**

18 **Subtitle 40. Environmental Control Board**

19 **§ 40-14. Violations to which subtitle applies.**

20 (e) *Provisions and penalties enumerated.*

21 (7) **Health Code**

22 Title 6: Food Service Facilities

23 Subtitle 2: License Required

24 § 6-201. In general \$300

25 Subtitle 5: Miscellaneous Regulations

26 § 6-506. Litter and rubbish prohibited \$200

27 § 6-507. POLYSTYRENE PRODUCTS PROHIBITED \$200

28 All other provisions \$100

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1       **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
2 are not law and may not be considered to have been enacted as a part of this or any prior  
3 Ordinance.

4       **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90<sup>th</sup> day  
5 after the date it is enacted.