

**CITY OF BALTIMORE  
COUNCIL BILL 17-0117  
(First Reader)**

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Introduced by: Councilmembers Bullock, Dorsey, Burnett, Henry, Cohen, Sneed, Clarke

Introduced and read first time: September 11, 2017

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental Control Board, Department of Finance, Office of Sustainability, Baltimore Development Corporation, Baltimore City Public Schools, Baltimore Office of Promotion & the Arts

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Service Facilities – Polystyrene Foam Products**

3 FOR the purpose of prohibiting food service facilities from using disposable food service ware  
4 made from polystyrene foam; defining certain terms; imposing certain penalties; providing  
5 for a special effective date; and generally relating to the use of polystyrene foam products for  
6 food service purposes.

7 BY adding

8 Article - Health

9 Section 6-508

10 Baltimore City Revised Code

11 (Edition 2000)

12 BY repealing and reordaining, without amendments

13 Article - Health

14 Sections 6-801 and 6-802

15 Baltimore City Revised Code

16 (Edition 2000)

17 BY repealing and reordaining, with amendments

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

19 Section 40-14(e)(7)(Title 6)

20 Baltimore City Code

21 (Edition 2000)

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

24 **Baltimore City Revised Code**

25 **Article – Health**

26 **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 5. Miscellaneous Regulations***

**§ 6-508. POLYSTYRENE FOAM PRODUCTS.**

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) *DISPOSABLE FOOD SERVICE WARE.*

(i) *IN GENERAL.*

“DISPOSABLE FOOD SERVICE WARE” MEANS CUPS, PLATES, DISHES, BOWLS, TRAYS, CLAMSHELL CONTAINERS, TAKE-AWAY CONTAINERS, OR SIMILAR ITEMS USED FOR SERVING FOOD OR FOR TRANSPORTING SMALL AMOUNTS OF PREPARED FOOD.

(ii) *EXCLUSION.*

“DISPOSABLE FOOD SERVICE WARE” DOES NOT INCLUDE COOLERS.

(3) *POLYSTYRENE FOAM.*

“POLYSTYRENE FOAM” MEANS BLOWN POLYSTYRENE AND EXPANDED AND EXTRUDED FOAMS (SOMETIMES CALLED STYROFOAM™) THAT ARE THERMOPLASTIC PETROCHEMICAL MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY ANY NUMBER OF TECHNIQUES, INCLUDING FUSION OF POLYMER SPHERES (EXPANDABLE BEAD POLYSTYRENE), INJECTION MOLDING, FOAM MOLDING, AND EXTRUSION-BLOWN MOLDING (EXTRUDED FOAM POLYSTYRENE).

(B) *PROHIBITED USE.*

NO FOOD SERVICE FACILITY MAY USE ANY DISPOSABLE FOOD SERVICE WARE THAT IS MADE FROM POLYSTYRENE FOAM.

***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 **Baltimore City Code**

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

19 **Subtitle 40. Environmental Control Board**

20 **§ 40-14. Violations to which subtitle applies.**

21 (e) *Provisions and penalties enumerated.*

22 (7) **Health Code**

23 Title 6: Food Service Facilities

24 Subtitle 2: License Required

25 § 6-201. In general \$300

26 Subtitle 5: Miscellaneous Regulations

27 § 6-506. Litter and rubbish prohibited \$200

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1                                    § 6-508. POLYSTYRENE FOAM PRODUCTS                                    \$200

2                                    All other provisions                                    \$100

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

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