### CITY OF BALTIMORE **ORDINANCE** Council Bill 17-0117

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

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: February 26, 2018

### AN ORDINANCE CONCERNING

Food Service Facilities - Polystyrene Foam Products

1	Food Service Facilities – Polystyrene Foam Products		
2 3 4	FOR the purpose of prohibiting food service facilities from using <u>certain</u> disposable food service ware made from polystyrene foam; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the use of polystyrene foam		
5	products for food service purposes.		
6	By adding		
7	Article - Health		
8	Section 6-508		
9	Baltimore City Revised Code		
10	(Edition 2000)		
11	By repealing and reordaining, without amendments		
12	Article - Health		
13	Sections 6-801 and 6-802		
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 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. Underlining indicates matter added to the bill by amendment. Strike out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1	Subtitle 5. Miscellaneous Regulations	
2	§ 6-508. POLYSTYRENE FOAM PRODUCTS.	
3	(A) DEFINITIONS.	
4	(1) IN GENERAL.	
5	IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.	
6	(2) DISPOSABLE FOOD SERVICE WARE.	
7	(I) IN GENERAL.	
8 9 10	"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.	
1	(II) EXCLUSION.	
12	"DISPOSABLE FOOD SERVICE WARE" DOES NOT INCLUDE COOLERS.	
13	(3) POLYSTYRENE FOAM.	
14 15 16 17 18	"POLYSTYRENE FOAM" MEANS BLOWN POLYSTYRENE AND EXPANDED AND EXTRUDED FOAMS (SOMETIMES CALLED STYROFOAM <sup>TM</sup> ) 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).	
20	(B) PROHIBITED USE.	
21	(1) IN GENERAL.	
22 23 24	EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NO NO FOOD SERVICE FACILITY MAY USE ANY DISPOSABLE FOOD SERVICE WARE THAT IS MADE FROM POLYSTYRENE FOAM.	
25	(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO:	
26 27 28	(I) FOOD OR BEVERAGES THAT HAVE BEEN FILLED AND SEALED IN POLYSTYRENE-FOAM CONTAINERS OUTSIDE OF THE CITY BEFORE THE FOOD OR BEVERAGES WERE RECEIVED BY A FOOD SERVICE FACILITY IN THE CITY; OR	
29	(II) MATERIALS USED TO PACKAGE RAW, UNCOOKED, OR BUTCHERED MEAT, FISH,	

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1	Subtitle 8. Penalties	
2	§ 6-801. Enforcement by citation.	
3	(a) In general.	
4 5 6	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"}.	
7	(b) Process not exclusive.	
8 9	The issuance of an environmental citation to enforce this title does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.	
10	§ 6-802. Penalties.	
1	(a) In general.	
12 13 14	Any person who violates any provision of this title or of a rule or regulation adopted under this title is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.	
15	(b) <i>Basic penalty:</i> \$1,000.	
16 17	Except as specified in subsection (c) of this section, the penalty for a violation is a fine of not more than \$1,000 for each offense.	
18	(c) Operating without or in violation of license: \$1,000 and 12 months.	
19 20 21	(1) For operating a food service facility without a license or in violation of the terms of a license, the penalty is a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.	
22	(2) Each day that a violation continues is a separate offense.	
23	Baltimore City Code	
24	Article 1. Mayor, City Council, and Municipal Agencies	
25	Subtitle 40. Environmental Control Board	
26	§ 40-14. Violations to which subtitle applies.	
27	(e) Provisions and penalties enumerated.	
28	(7) Health Code	
29	Title 6: Food Service Facilities	

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1	Subtitle 2: License Required			
2	§ 6-201. In general \$3			
3	Subtitle 5: Miscellaneous Regulations			
4	§ 6-506. Litter and rubbish prohibited			
5	§ 6-508. POLYSTYRENE FOAM PRODUCTS			
6	All other provisions			
7 8 9	<b>SECTION 2. AND BE IT FURTHER ORDAINED</b> , That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.			
10 11	<b>SECTION 3. AND BE IT FURTHER ORDAINED</b> , That this Ordinance takes effect on the 90 <sup>th</sup> day 18 months after the date it is enacted.			
	Certified as duly passed this day of	, 20		
		President, Baltimore City Council		
	Certified as duly delivered to Her Honor, the Mayor,			
	this, 20			
		Chief Clerk		
	Approved this day of, 20			
		Mayor, Baltimore City		