

Council Bill 17-0117

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.

(1) IN GENERAL.

EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NO FOOD SERVICE FACILITY MAY USE ANY DISPOSABLE FOOD SERVICE WARE THAT IS MADE FROM POLYSTYRENE FOAM.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO:

(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

(ii) MATERIALS USED TO PACKAGE RAW, UNCOOKED, OR BUTCHERED MEAT, FISH, POULTRY, OR SEAFOOD FOR OFF-PREMISES CONSUMPTION.

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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"}.

(b) *Process not exclusive.*

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.

§ 6-802. Penalties.

(a) *In general.*

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.

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

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.

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

(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.

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

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(7) ***Health Code***

Title 6: Food Service Facilities

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1	Subtitle 2: License Required	
2	§ 6-201. In general	\$300
3	Subtitle 5: Miscellaneous Regulations	
4	§ 6-506. Litter and rubbish prohibited	\$200
5	§ 6-508. POLYSTYRENE FOAM PRODUCTS	\$200
6	All other provisions	\$100

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

10 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect ~~on the 90th day~~
11 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 _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City