

## **Town of Rockport**

### **Polystyrene take-out food containers ordinance.**

#### **Section 1: Purpose of the Article**

WHEREAS, the Town has a duty to protect the natural environment; and

WHEREAS, expanded Polystyrene Packaging has a harsh environmental impact on a local and global scale, including greenhouse gas emissions, litter, and harm to wildlife; and

WHEREAS, it is in the best interest of the citizens of Rockport to protect the environment and natural resources by prohibiting the distribution and use of disposable expanded polystyrene cups, plates, bowls, coolers, and food containers and to require the use of food containers made of other materials associated with all takeout foods defined in this section; and

WHEREAS, the Town through its policies, programs, and laws supports efforts to reduce the environmental impact of waste by supporting the State waste management hierarchy to reduce, reuse, recycle, compost, and landfill.

#### **Section 2. Definitions**

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

**Expanded Polystyrene Packaging** means any containers, including coolers, that are made of expanded Polystyrene foam and used to package both food and beverage for both onsite and offsite consumption. It does not include expanded polystyrene meat trays or other polystyrene packaging used to transport raw and/or uncured meat, poultry, and fish from all food stores.

**Retail Vender** means any person, restaurant, store, shop, or other establishment, including any grocery store, convenience store, or delicatessen, which offers prepared food for retail sale to the ultimate consumer for direct use or consumption and not for re-sale.

#### **Section 3. Prohibitions**

- A. No retail vender in the Town shall serve or sell prepared food in expanded polystyrene packaging;
- B. The Town shall not sue expanded polystyrene foam food beverage containers at any Town facility or Town sponsored event; and
- C. All parties who contract with the Town shall be prohibited from using expanded polystyrene packaging for food and beverage use within the Town or at Town sponsored events.

#### **Section 4. Violations and Enforcement**

- A. The Town Manager and is/her designee(s) shall have the primary responsibility for the enforcement of this Ordinance.
- B. For the first six months following the implementation of this Ordinance, the Town Manager shall issue verbal warnings to retail vendors in violation of this Ordinance.
- C. Following this six-month period, if the Town Manager and his/her designee(s) determine a violation of this article has occurred, he/she shall issue a written Notice to the retail vender and order compliance with this Ordinance withing ten days of the issuance of the Notice.
- D. Subsequent violations after the initial warning. Notice shall be subject to the penalties put forth below. Violations of this Ordinance shall be punishable by fines and reimbursed legal fess as follows:
  - a. A fine not exceeding \$250 for each violation, in the aggregate not to exceed \$1,500.00 in a one-year period; and
  - b. Reimbursement of the Town's legal fees and costs for prosecution of each violation.

#### **Section 5. Permitted Expanded Polystyrene containers**

Nothing in this Ordinance shall be construed to prohibit customers from using containers of any type that the customer owns. Customers will not be in violation if they bring their own container of any type to use in carrying away food from a retail vendor.

#### **Section 6. severability**

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

#### **Section 7. Effective Date**

The provision of this Ordinance shall become effect on January 1, 2019.

Voted on November 6, 2018