

CITY OF SILVERTON
ORDINANCE
19-02

AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING TITLE 5 OF THE SILVERTON MUNICIPAL CODE AND ADDING A NEW CHAPTER 5.50 PROHIBITING POLYSTYRENE FOOD SERVICE PRODUCTS

WHEREAS, at several City Council meetings and work sessions, the Silverton City Council discussed changes to the Silverton Municipal Code (Code) to impose prohibitions on polystyrene particularly that used for food packaging/food service products; and

WHEREAS, the City desires to protect the natural environment and the public health; and

WHEREAS, polystyrene is a common environmental pollutant that breaks down into smaller non-biodegradable pieces that are ingested by marine life and other wildlife harming and killing them; and

WHEREAS, styrene, a component of polystyrene is a known hazardous substance that the U.S. Food and Drug Administration suggests leaches from polystyrene containers in food and drink and is also a suspected carcinogen and neurotoxin which potentially threatens human health; and

WHEREAS, polystyrene constitutes a large portion of the litter in the area landfills and public places; and


WHEREAS, the City desires to revise the Code as set forth in this Ordinance.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The Silverton Municipal Code is amended in substantially the same form as set forth in the attached Exhibit A to add Chapter 5.50.

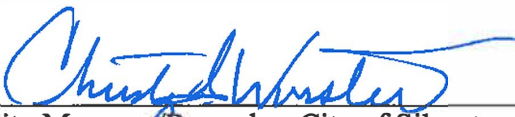
Section 2: This ordinance is and shall be effective within 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 7th day of January 2019.



Mayor, City of Silverton
Kyle Palmer

ATTEST



City Manager/Recorder, City of Silverton
Christy S. Wurster

Exhibit A

Chapter 5.50 Polystyrene Food Service Product Regulation

- 5.50.010 Purpose.**
- 5.50.020 Definitions.**
- 5.50.030 Supervision by city manager.**
- 5.50.040 Polystyrene food service product regulation.**
- 5.50.050 Exemptions.**
- 5.50.060 Enforcement and penalties.**

Section 5.50.010 - Purpose.

The purpose of this chapter is to prohibit the use of polystyrene food service products.

Section 5.50.020 - Definitions.

As used in this chapter, except where the context otherwise indicates, the following definitions apply:

- A. "Polystyrene" means blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene does not include clear or solid polystyrene (oriented polystyrene).
- B. "Polystyrene food service product" means food containers, plates, "clamshells," hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products, made of polystyrene and used for selling or providing food by a food service business for consumption on or off the premises.
- C. "Food processing business" means any business or commercial operation that manufactures, packages, produces, labels, or stores food items that are designed for human consumption and do not provide food directly to a customer.
- D. "Food service business" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional cafeterias, or other businesses, entities, or nonprofits, selling or providing food directly to customers within the City of Silverton for consumption on or off the premises. Food service business does not include food processing businesses.
- E. "Undue hardship" means there is significant difficulty or expense incurred by a food service business which directly impacts the conduct of business. This could include but is not limited to a situation where overstocked supplies cannot be returned or used at another location outside the city.
- F. "Unique packaging hardship" means no allowed alternative to a polystyrene food service product is available for reasons which are unique to that food service business. For example, if a food service business utilizes specific branding, and such business can demonstrate that no allowed branded polystyrene food service product alternative is available, a unique packaging hardship exists.

Section 5.50.030 - Supervision by city manager.

The regulation of polystyrene food service products in the City of Silverton under the provisions herein shall be under the supervision of the city manager.

Section 5.50.040 – Polystyrene food service product regulation.

Food service businesses shall be prohibited from selling or providing food, for consumption on or off the premises, in polystyrene food service products, except as otherwise provided under Section 5.50.050.

Section 5.50.050 – Exemptions.

- A. Prepackaged soups and other foods that a food service business sells or provides to their customers in polystyrene food service products that have been filled and sealed prior to receipt by the food service business shall be exempt from the prohibition.
- B. The prohibition on a food service business selling or providing raw meat or raw seafood, for consumption on or off the premises, in polystyrene food service products shall take effect on January 1, 2020.
- C. A food service business may submit a written request to the city manager or his/her designee for an annual unique packaging or undue hardship exemption.

Section 5.50.060 - Enforcement and penalties.

- A. The city manager, upon determination that a violation of this chapter has occurred, shall issue a written notice to the food service business by certified mail stating the specific violation and appropriate penalty.
- B. A violation of this chapter is punishable in accordance with the general penalty provisions of SMC 1.08.010.
- C. Except as set forth in Section 5.50.050, enforcement of this chapter shall begin July 1, 2019 for all food service businesses.
- D. If any provision, paragraph, word, section, or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.