



Legislation Details (With Text)

**File #:** O-22-18      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 5/10/2018      **In control:** City Council

**On agenda:** 10/22/2018      **Final action:** 10/22/2018

**Title:** Food Handling Establishments - Polystyrene Food Service Products - Prohibition - For the purpose of prohibiting the sale and use of expanded polystyrene foam products at food service businesses located in the City; providing certain definitions; and providing for a penalty for violations.

**Sponsors:** Rob Savidge, Gavin Buckley, Shaneka Henson, Elly Tierney, Ross Arnett

**Indexes:** Environmental Matters Committee, Housing and Human Welfare Committee

**Code sections:**

**Attachments:** 1. O-22-18 Polystyrene Food Service Products Ordinance.pdf, 2. O-22-18 Staff Report.pdf, 3. O-22-18 Fiscal Impact.pdf, 4. O-22-18 Savidge Proposed Amendments 10,8,18.pdf, 5. O-22-18 Savidge Proposed Amendment 10,22,18.pdf, 6. O-22-18 Signed as Amended.pdf

Date	Ver.	Action By	Action	Result
10/22/2018	1	City Council	reconsider	Pass
10/22/2018	1	City Council	adopt on second reader	Pass
10/22/2018	1	City Council	amended	Pass
10/22/2018	1	City Council	adopt as amended	Pass
10/22/2018	1	City Council	adopt on third reader	Pass
10/8/2018	1	City Council	adopt on second reader	Pass
10/8/2018	1	City Council	amendment(s) approved	Pass
10/8/2018	1	City Council	confirm	
10/8/2018	1	City Council	amended	Pass
10/8/2018	1	City Council	adopt on third reader	Pass
9/19/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
9/19/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
9/19/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
9/19/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
9/19/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
9/19/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
9/19/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
9/18/2018	1	Housing and Human Welfare Committee	recommend favorably	Pass
7/17/2018	1	Housing and Human Welfare Committee	postpone	Pass
6/20/2018	1	Environmental Matters Committee	amendment(s) approved	Pass
6/20/2018	1	Environmental Matters Committee	recommend with amendments	Pass

5/21/2018	1	City Council	declare the public hearing closed	
5/14/2018	1	City Council	refer	
5/14/2018	1	City Council	refer	
5/14/2018	1	City Council	adopt on first reader	Pass

**Food Handling Establishments - Polystyrene Food Service Products - Prohibition** - For the purpose of prohibiting the sale and use of expanded polystyrene foam products at food service businesses located in the City; providing certain definitions; and providing for a penalty for violations.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 22-18**

**Introduced by: Alderman Savidge, Mayor Buckley and Alderwoman Henson  
Alderwoman Tierney and Alderman Arnett**

**Referred to**

Environmental Matters Committee  
Housing and Human Welfare Committee

**AN ORDINANCE** concerning

**Food Handling Establishments - Polystyrene Food Service Products - Prohibition**

**FOR** the purpose of prohibiting the sale and use of expanded polystyrene foam products at food service businesses located in the City; providing certain definitions; and providing for a penalty for violations.

**BY** adding the following portion to the Code of the City of Annapolis, 2018 Edition

10.12.140  
10.12.160

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**TITLE 10 - HEALTH AND SAFETY**

**Chapter 10.12 - FOOD-HANDLING ESTABLISHMENTS**

**Section 10.12.140 - Administration and enforcement.**

- A. The provisions of this chapter shall be administered and enforced by the Department of Planning and Zoning except with regard to those matters administered and enforced by the Health Officer, and except with regard to Section 10.12.160, which matters shall be administered and enforced by the Office of Environmental Policy.
- B. Violation of or failure to comply with any provision of this chapter is declared to be a municipal infraction punishable by a fine not to exceed one hundred dollars for any single, initial violation, and an additional fine of two hundred dollars for each repeat or continuing violation.
- C. The Director of Planning and Zoning and the Director of Environmental Policy, or ~~the director's~~ their

designee, shall have the power to enforce the provisions of this chapter through the issuance of a municipal citation or through any other appropriate action or proceedings at law or equity.

**Section 10.12.160 - Prohibition on sale and use of expanded polystyrene food service products - education and outreach.**

A. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

1. “Expanded Polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres or expandable bead polystyrene, injection molding, foam molding, and extrusion-blow molding or extruded foam polystyrene.
2. “Expanded Polystyrene Food Service Products” means food containers or service ware, including dishes, hot and cold beverage cups, trays, cartons for eggs and other foods, prepared food or leftover containers, and other products made of expanded polystyrene and used for selling, providing, or serving food that are intended by the manufacturer to be used once for eating or drinking or generally recognized by the public as items to be discarded after one use.
3. “Food Service Business” means a full-service restaurant, limited-service restaurant, fast food restaurant, cafe, delicatessen, coffee shop, supermarket, grocery store, commercial retailer with grocery departments or food service, vending truck or cart, food truck, business or institutional cafeteria, including those operated by or on behalf of City departments and agencies, and other business selling or providing food within the City for consumption on or off the premises.

B. A Food Service Business may not sell or provide food in Expanded Polystyrene Food Service Products, regardless of where the food will be consumed. This section may not apply to food or beverages filled and sealed in expanded polystyrene containers outside of the City prior to receipt by a Food Service Business or to materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption. A Food Service Business shall not sell, or offer food for sale in, Expanded Polystyrene Food Service Products. This subsection B does not apply to food or beverages filled and sealed in expanded polystyrene containers outside of the City before a Food Service Business received them.

C. The provisions of this Section shall be administered and enforced by the Health Officer pursuant to Section 11-6-103 of the Anne Arundel County Code, as may be amended from time to time.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that no later than 180 days after the effective date of this Ordinance, the Office of Environmental Policy shall begin a public education and outreach campaign that includes the distribution of information through the City website and news releases to assist businesses with the ban on expanded polystyrene foam products

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall apply to businesses operating in the City of Annapolis on or after September 1, 2019.

**SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect 45 days from the date of its passage.

**EXPLANATION**

Underlining indicates matter added to existing law.  
~~Strikethrough~~ indicates matter stricken from existing law.  
Double Underlining indicates amendments.