

TITLE 3
CHAPTER 12

PROHIBITIONS ON POLYSTYRENE FOAM

SECTION:

3-12-1: DEFINITIONS. For the purpose of this chapter, certain words, terms, and phrases are defined as follows:

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| Person | Any natural person, firm, corporation, partnership, government entity, or other organization or group however organized. These may include but are not limited to individuals, restaurants, food vendors, stores, shops, sales outlets or other establishments including (without limitation) grocery stores, convenience stores, sidewalk vendors, delicatessens, bait/tackle shops, and non-profit organizations. |
| Polystyrene foam | Blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques including, but not limited to, fusion of polymer spheres, injection molding, foam molding, and extrusion blow molding. For the purposes of this Chapter, the term polystyrene shall not include clear, solid polystyrene. |
| PSF | Abbreviation for polystyrene foam |
| PSF container | Containers made from polystyrene foam, including but not limited to cups, bowls, tubs, plates, trays, clamshell containers, meat trays, egg cartons, bait containers, ice chests, and coolers. For the purposes of this Chapter, the term PSF container shall not include containers that incorporate PSF but are 100% encapsulated to prevent PSF material from contacting the environment. |

3-12-2: PROHIBITION ON PSF USES.

- A. No person shall package, sell, or serve food or beverages in any PSF container.
- B. No person shall package, sell, provide, or carry bait in any PSF container.
- C. No person shall sell or provide PSF containers.
- D. No person shall possess, use, carry, or improperly dispose of any PSF container in any public space, or upon or adjacent to any body of water. Bodies of water

include but are not limited to rivers, creeks, lakes, ponds, wetlands, and the Pacific Ocean.

3-12-3: EXEMPTIONS FOR PSF USE.

- A. The City Council, or its appointee, may exempt a person or persons from the provisions of this chapter in situations where compliance with the provisions of this chapter would deprive a person of a legally protected right. If a request for exemption is based upon a claim that a legally protected right would be denied if compliance were required and such request for exemption is denied, review of the denial shall only be by writ of review as provided for in ORS 34.010 to 34.102 and not otherwise.
- B. A person or persons may be exempted from the provisions of this chapter in situations deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health, or safety.

3-12-4: ENFORCEMENT AND NOTICES OF VIOLATIONS.

- A. Violations of this chapter shall be punishable by a fine not exceeding \$250 for the first violation in a one-year period or a fine not exceeding \$500 for the second and each subsequent violation in a one-year period.
- B. The violator, upon receipt of a notice of violation, shall pay to the City the stated penalty or appeal the finding of a violation to the City Council.
- C. Any person requesting an appeal to the City Council may be assessed a fee of up to \$500 at the time of their application. Failure to submit full payment of appeal fee within the time allowed to request an appeal hearing shall result in the denial of the request for an appeal hearing.
- D. If the City Council decides in favor of the appellant at the Code Hearing, the submitted appeal fee shall be refunded in full to the appellant.

3-12-5: EFFECTIVE DATE.

- A. This chapter shall become effective on January 1, 2018.
- B. Enforcement of the provisions of this chapter shall begin three months after the effective date. This three-month grace period is intended to allow existing retail stocks of PSF containers to be exhausted.
- C. Provisions of this chapter shall be null and void on the day that statewide or federal legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this chapter, or in the event that a pertinent Oregon or federal administrative agency issues and promulgates regulations preempting such action.

3-12-6: SEVERABILITY.

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