

Brunswick Municipal Code of Ordinance

Chapter 6.1 ENVIRONMENT ^[1]

ARTICLE IV. CONSUMER PACKAGING ^[3]

Sec. 6.1-91. Definitions.

As used in this article, the following terms have the following meanings:

Food packager means any person who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

Prepared food means food or beverages that are served at the food vendor's location having been previously prepared elsewhere or are prepared at the vendor's location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. "Prepared food" does not mean raw uncooked meat or eggs. Prepared food may be eaten either on or off premises.

Polystyrene foam means and includes blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam[®]; a Dow Chemical Company trademarked form of polystyrene foam insulation) 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 foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this chapter, the term "polystyrene" shall not include clear polystyrene known as "oriented polystyrene."

Retail vendor means any person, restaurant, store, shop, sales outlet or other establishment, including without limitation, a grocery store, convenience store or a delicatessen.

(Ord. of 3-21-16(2))

Sec. 6.1-92. Prohibitions.

- (a) No retail vendor shall serve or sell prepared food in polystyrene foam containers and shall not package meat, eggs, bakery products or other food in polystyrene foam containers.
- (b) No food packager shall package meat, eggs, bakery products or other food in polystyrene foam containers.
- (c) No retail vendor that sells tangible personal property at retail shall sell polystyrene foam food or beverage containers.
- (d) Retail vendors that receive items, pre-packaged in polystyrene foam food or beverage containers, packaged outside the Town of Brunswick, may re-sell such items without repackaging those items.
- (e) The town shall not use polystyrene foam food or beverage containers at any town facility or town-sponsored event.
- (f) No town department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- (g) All parties who contract with the town shall be prohibited from using polystyrene foam food and beverage containers in town facilities or on town-funded projects within the town.

(Ord. of 3-21-16(2))

Sec. 6.1-93. Exemptions.

- (a) The sale and packaging of raw and live seafood is exempt from the provisions of this article.
- (b) Retail vendors and food packagers that are currently existing or are established in the town by the effective date of the ordinance from which this article was derived will be exempted from the provision of this article prohibiting the use of polystyrene foam for a period of time to be determined by the town manager or his/her designee in writing on a case-by-case basis for undue hardship. Undue hardship includes, but is not limited to, situations unique to the food vendor, and not generally applicable to other persons in similar circumstances.
- (c) Retail vendors, food packagers, town departments, town facilities and contractors shall be exempt from the provisions of this chapter, in a situation deemed by the town manager to be an emergency for the preservation of the public peace, health or safety.

(Ord. of 3-21-16(2))

Sec. 6.1-94. Violations and enforcement.

The code enforcement officer or his/her designee(s), or other official designated by the town manager, shall have the primary responsibility for enforcement of this article. If the code enforcement officer or his/her designee(s), or other official designated by the town manager, determine(s) that a violation of this article has occurred, he/she shall issue a written warning notice to the food vendor that a violation has occurred. Penalties for violation of this article shall be as set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

(Ord. of 3-21-16(2))

Sec. 6.1-95. Effective date.

Enforcement of this article shall begin on October 1, 2016.

(Ord. of 3-21-16(2))

Sec. 6.1-96. Severability.

If any part or provision of this article, or the application thereof to any person or circumstances is held invalid, the remainder of the article, 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, provisions of this article are severable.

(Ord. of 3-21-16(2))